

Town of Nantucket

2006 Annual Town Meeting

7:00 PM, Monday, April 3, 2006
Nantucket High School





Town of Nantucket

16 Broad Street
Nantucket, MA 02554
508-228-7255
www.nantucket-ma.gov

BOARD OF SELECTMEN

Michael A. Glowacki, Chairman
Brian Chadwick, Vice-Chairman
Bruce L. Watts
Douglas L. Bennett
Whitey Willauer

FINANCE COMMITTEE

John W. Atherton, Jr., Chairman
Bruce D. Miller, Vice-Chairman
Philip D. Bartlett
Christopher J. Kickham
Gregory P. Keltz
Lindsey R. Perry, Jr.
Michael B. Rosen
Timothy M. Soverino

Cover Photo: Steamer Nobska as seen from Old North Wharf

AMERICANS WITH DISABILITIES ACT NOTICE

The Town of Nantucket advises applicants, participants and the public that it does not discriminate on the basis of disability in, admission to, access to, treatment or employment in its programs, services and activities. The Town of Nantucket will provide auxiliary aids and services to access programs upon request. Inquiries, requests and complaints should be directed to the Town Administrator, 16 Broad Street, Nantucket, MA 02554, (508) 228-7255.

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THE TOWN ADMINISTRATOR'S
OFFICE AT 228-7255**

TOWN OF NANTUCKET 2006 ANNUAL TOWN MEETING

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NOTE: PETITION ARTICLES HAVE BEEN PRINTED AS SUBMITTED BY THE PETITIONERS AND MAY CONTAIN TYPOGRAPHICAL AND OTHER ERRORS.

ARTICLE 1

(Receipt of Reports)

To receive the reports of various departments and committees as printed in the Fiscal Year 2005 Annual Town Report or as may come before this meeting.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the reports of various departments and committees as printed in the Fiscal Year 2005 Annual Town Report or as may come before this meeting be accepted and filed with the permanent records of the Town.

ARTICLE 2

(Appropriation: Unpaid Bills)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44, Section 64 of the Massachusetts General Laws, of unpaid bills from previous Fiscal Years, including any bills now on overdraft.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Seventeen Thousand Five Hundred Eighty-seven Dollars (\$17,587) be raised and appropriated from the Fiscal Year 2007 tax levy and other general revenues to pay the following unpaid bills from prior fiscal years:

<i>DEPARTMENT</i>	<i>VENDOR</i>	<i>AMOUNT</i>
Fire Department	Martha's Vineyard Hospital	\$5,662.94
Finance Department	Steamship Authority	\$188.50
Information Systems	Steamship Authority	\$180.50
Police Department	Steamship Authority	\$50.00
School Department	City & Suburban	\$4.80
School Department	Jostens	\$20.55
School Department	Cape Air	\$1,474.00
School Department	Island Airlines	\$95.07
School Department	Riddell/All American Reconditioning	\$1,445.02
School Department	Rachael Borini	\$28.00
School Department	Kathleen Benson	\$186.25
School Department	Michelle Brannigan	\$306.01
School Department	Irene Egan	\$1,600.00
Selectmen	Cape Cod Times	\$32.86
Visitor Services	Town of Nantucket	\$6,047
Wannacomet Water	Steamship Authority	\$265.50
TOTAL		\$17,587.00

ARTICLE 3

(Appropriation: Prior Year Articles)

To see what sums the Town will vote to appropriate and transfer from available funds in Articles voted in prior years.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that:

- a) Five Thousand Four Hundred Thirty-seven Dollars and Ninety-seven Cents (\$5,437.97) be appropriated for the Fire Department to expend to place underground fire alarm wiring in connection with the Sparks Avenue/Pleasant Street round-a-bout project; and, to meet this appropriation Five Thousand Four Hundred Thirty-seven Dollars and Ninety-seven Cents (\$5,437.97) be transferred from Article 93 of the 1989 Annual Town Meeting (To Place Cables Underground);
- b) Eighteen Thousand Three Hundred Two Dollars and Thirty-five Cents (\$18,302.35) be appropriated for the Fire Department to expend to place underground fire alarm wiring in connection with the Sparks Avenue/Pleasant Street round-a-bout project; and, to meet this appropriation Eighteen Thousand Three Hundred Two Dollars and Thirty-five Cents (\$18,302.35) be transferred from Article 10 of the 1991 Annual Town Meeting (Fire Department: Underground wiring);
- c) Six Thousand Dollars (\$6,000) be appropriated for the Board of Selectmen to expend for the Town's portion of the construction of the round-a-bout at Sparks Avenue/Pleasant Street; and, to meet this appropriation that Six Thousand Dollars (\$6,000) be transferred from Article 10 of the 2005 Annual Town Meeting (General Fund Capital Expenditures: Construction and associated costs for Vesper Lane bicycle path);
- d) Five Thousand Five Hundred Twenty-four Dollars (\$5,524) be appropriated for the Board of Selectmen to expend for the Town's portion of the construction of the round-a-bout at Sparks Avenue/Pleasant Street; and, to meet this appropriation that Five Thousand Five Hundred Twenty-four Dollars (\$5,524) be transferred from Article 10 of the 1996 Annual Town Meeting (General Fund Capital Expenditures: Road improvements);
- e) Two Thousand Seven Hundred Eighty-nine Dollars (\$2,789) be appropriated for the School Committee to expend for the replacement of the fire alarm and security system at the Nantucket Elementary School; and, to meet this appropriation that Two Thousand Seven Hundred Eighty-nine Dollars (\$2,789) be transferred from Article 10 of the 2002 Annual Town Meeting (Replacement of Skylights at Nantucket High School and Cyrus Pierce School);
- f) Twenty-three Thousand One Hundred Sixty-three Dollars (\$23,163) be appropriated for the School Committee to expend for the replacement of the fire alarm and security system at the Nantucket Elementary School; and, to meet this appropriation that Twenty-three Thousand One Hundred Sixty-three Dollars (\$23,163) be transferred from Article 10 of the 2002 Annual Town Meeting (Replacement of Skylights at Nantucket High School and Cyrus Pierce School);
- g) Ninety Thousand Dollars (\$90,000) be appropriated for the School Committee to expend for the replacement of the fire alarm and security system at the Nantucket Elementary School; and, to meet this appropriation that Ninety Thousand Dollars (\$90,000) be transferred from Article 10 of the 2002 Annual Town Meeting (Paint Exterior of Nantucket High School);
- h) Two Hundred Ninety-two Dollars be appropriated for the School Committee to expend for the replacement of the original section of façade at the Nantucket Elementary School; and, to meet this appropriation that Two Hundred Ninety-two Dollars (\$292) be transferred from Article 10 of the 2002 Annual Town Meeting (Replace skylights at Nantucket High School and Cyrus Pierce School);
- i) Forty-two Thousand Five Hundred Dollars (\$42,500) be appropriated for the School Committee to expend for the replacement of the original section of façade at the Nantucket Elementary School; and, to meet this appropriation that Forty-two Thousand Five Hundred Dollars (\$42,500) be transferred from Article 10 of the 2002 Annual Town Meeting (Replace HV 13 and exhaust fans, Nantucket High School kitchen);
- j) Three Thousand Eight Hundred Ninety-four Dollars (\$3,894) be appropriated for the School Committee to expend for the replacement of the original section of façade at the Nantucket Elementary School; and, to meet this appropriation that Three Thousand Eight Hundred Ninety-four Dollars (\$3,894) be transferred from Article 10 of the 2002 Annual Town Meeting (Rebuild Boiler #1 at Nantucket High School);
- k) Thirteen Thousand One Hundred Thirty Dollars (\$13,130) be appropriated for the School Committee to expend for the replacement of the original section of façade at the Nantucket Elementary School; and, to meet this appropriation that Thirteen Thousand One Hundred Thirty Dollars (\$13,130) be transferred from Article 10 of the 2002 Annual Town Meeting (Replace music room roof);

- l) Five Thousand Two Hundred Twelve Dollars (\$5,212) be appropriated for the School Committee to expend for the replacement of the original section of façade at the Nantucket Elementary School; and, to meet this appropriation that Five Thousand Two Hundred Twelve Dollars (\$5,212) be transferred from Article 10 of the 2002 Annual Town Meeting (Replace corridor and down lights);
- m) One Hundred Twenty-seven Thousand Six Hundred Nine Dollars (\$127,609) be appropriated for the School Committee to expend for the replacement of the original section of façade at the Nantucket Elementary School; and, to meet this appropriation that One Hundred Twenty-seven Thousand Six Hundred Nine Dollars (\$127,609) be transferred from Article 10 of the 2002 Annual Town Meeting (Replace HV 1 and associated equipment - Pool);
- n) One Hundred Eighty-eight Thousand Seven Hundred Nineteen Dollars (\$118,719) be appropriated for the School Committee to expend for the replacement of the original section of façade at the Nantucket Elementary School; and, to meet this appropriation that One Hundred Eighty-eight Thousand Seven Hundred Nineteen Dollars (\$118,719) be transferred from Article 10 of the 2002 Annual Town Meeting (Façade and panel replacements at Nantucket High School);
- o) One Hundred Eighty Thousand Dollars (\$180,000) be appropriated for the School Committee to expend for the replacement of the original section of façade at the Nantucket Elementary School; and, to meet this appropriation that One Hundred Eighty Thousand Dollars (\$180,000) be transferred from Article 10 of the 2002 Annual Town Meeting (Paint exterior of Nantucket High School);
- p) Sixty-five Thousand Two Hundred Seventeen Dollars (\$65,217) be appropriated for the School Committee to expend for façade improvement at the Nantucket High School; and, to meet this appropriation that Sixty-five Thousand Two Hundred Seventeen Dollars (\$65,217) be transferred from Article 10 of the 2002 Annual Town Meeting (Replace skylights at Nantucket High School and Cyrus Pierce School).

ARTICLE 4

(Revolving Accounts: Annual Authorization)

To see what revolving accounts the Town may vote to authorize or reauthorize pursuant to Chapter 44, section 53E½ of the General Laws of the Commonwealth for Fiscal Year 2007.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the revolving funds listed below be hereby authorized to continue during Fiscal Year 2007 as follows:

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Beach Improvement	Beach Permit Sticker sales	Town Administrator with approval of Board of Selectmen	In accordance with c. 56, § 7A of Town Code, and including endangered species monitor program; beach patrols/monitors; beach use education/information	\$350,000
Tennis Court	Tennis fees	Town Administrator with approval of Park & Recreation Commission	Operation, maintenance of tennis court facility and housing for seasonal staff	\$100,000
Conservation Fund	Conservation Commission application fees	Town Administrator with approval of Conservation Commission	Consulting services in connection with professional review of applications	\$100,000
Septic System Inspections	Septic system application fees	Town Administrator with approval of Board of	Contractor services in connection with septic system inspections	\$30,000

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
		Health		
Seasonal Food Service Inspections	Food service permit fees	Town Administrator with approval of Board of Health	Seasonal food service inspections	\$25,000
School Staff Travel Program	Participant payments	School Superintendent with approval of School Committee	Defrayment of travel costs incurred by employees of Nantucket Public Schools for work purposes	\$10,000

ARTICLE 5

(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund in accordance with Chapter 40, section 6 of the General Laws, to provide for extraordinary and unforeseen expenditures which may arise during Fiscal Year 2007, beginning July 1, 2006 and ending June 30, 2007; said sum not to exceed five percent (5%) of the Fiscal Year 2007 tax levy.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be raised and appropriated from the Fiscal Year 2007 tax levy and other general revenues of the Town to establish a Reserve Fund for Fiscal Year 2007 pursuant to chapter 40, §6 of the General Laws.

ARTICLE 6

(Fiscal Year 2006 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2006 operating budget from other line items of said budget and from other available funds.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred from the expenditure authorizations listed below to the various fiscal year 2006 accounts and expenditures listed as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Aging, Council on Salaries	Aging, Council on Expenses	\$3,500
Aging, Council on Salaries	Town Gas Account	\$4,000
Finance Department Salaries	Finance Department Expenses	\$15,000
Finance Department Salaries	Town Gas Account	\$15,000
Our Island Home Salaries	Our Island Home Expenses	\$85,000
NP & EDC Salaries	NP & EDC Expenses	\$39,000
NP & EDC Salaries	GIS Salaries	\$70,000
NP & EDC Salaries	Town Administration Salaries	\$3,000
NP & EDC Salaries	Finance Committee Salaries	\$1,000
Allowance for Contractual Increases	Fire Department Salaries	\$213,000
Police Department Salaries	Fire Department Overtime	\$75,000
Police Department Salaries	Fire Department Salaries	\$80,000
Police Department Salaries	Police Department Expenses	\$126,600

Police Department Salaries	Building Department Salaries	\$12,000
Police Department Salaries	GIS Expenses	\$16,000
Police Department Salaries	Building Department Salaries	\$15,000
Police Department Salaries	Mosquito Control Salaries	\$10,000
Police Department Salaries	Adult Community Day Care Salaries	\$12,000
Police Department Salaries	Emergency Management	\$100
Police Department Salaries	Town Gas Account	\$80,000
Veterans Services Salaries	Veterans Services Expenses	\$4,500
Park & Recreation Salaries	Park & Recreation Expenses	\$30,000

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2007)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2007:

Schedule A -- Full-time/Non-union Administrative Employees and Laborer's Union Administrative and Supervisory Group

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule B -- Full-time/Non-union Hourly Employees and Laborer's Union Clerical Employees

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule C - Laborer's Union Department Head Group

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule D -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building Inspector, Assistant (hourly)	30.00
Dietician/Our Island Home (hourly)	33.00
Election Warden (hourly)	10.00
Election Worker (hourly)	8.50
EMT, Call (per hour)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (per hour)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Plumbing Inspector, Assistant (hourly)	30.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	10.00
Seasonal Shellfish Warden(s) (yearly)	300.00
Sheriff, Deputy (yearly)	3,500.00
Teen Center Staff (hourly)	11.00
Teen Center Staff/Second Year (hourly)	12.00
Temporary Employee	various rates of pay
Wiring Inspector, Assistant (hourly)	30.00
Veterans' Agent (hourly)	15.00

*Schedule E -- Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective April 15, 2006- April 14, 2007)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$12.00	\$13.00	\$14.00	\$15.00
B-Hourly*	\$12.50	\$13.50	\$14.50	\$15.50
C-Hourly*	\$13.50	\$14.50	\$15.50	\$16.50
D-Hourly*	\$14.00	\$15.00	\$16.00	\$17.00
E-Hourly*	\$16.00	\$16.50	\$17.00	\$18.00

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

A: Dock Attendant, Information Aide, Matron

B: Swimming Instructor, Arts & Crafts Instructor, Seasonal Health Assistant, Shellfish Warden, Endangered Species Monitor, Parking Control Officer, Laborer (Public Works)

C: Endangered Species Monitor Supervisor, Summer Recreation Coordinator, Dock Worker

D: Seasonal Firefighter/EMT, Summer Special Police, Lifeguard, Tennis Attendant (Park & Recreation), Laborer (Park & Recreation)

E: Lifeguard Supervisor, Madaket Harbormaster, Seasonal Maintenance Supervisor (Park & Recreation); Tennis Instructor (Park & Recreation), Swimming Instructor (Park & Recreation)

Schedule F -- Scallop Season Compensation Schedule

\$35.00/day to be paid to the full-time permanent shellfish warden(s) when scalloping activity is taking place.

Schedule G -- Our Island Home Registered Nurse Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule H -- Department of Public Works Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule I -- Fire Department Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule J -- Our Island Home Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE - CONTRACT CURRENTLY UNDER NEGOTIATION

Schedule K -- Police Department Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule L - Dispatchers' Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

*Schedule M -- Compensation Schedule for Elected Officials**

Moderator	\$150 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Register of Deeds	SD
Sheriff	as per MGL
Town Clerk	SD

Level	Start	After 12 Mos.	After 24 Mos.	After 36 Mos.	After 48 Mos.	After 60 Mos.	After 72 Mos.	After 84 Mos.
A	\$36,850	\$38,693	\$40,627	\$42,657	\$44,792	\$47,032	\$49,382	\$51,852
B	\$42,495	\$44,621	\$46,851	\$49,194	\$51,654	\$54,235	\$56,947	\$59,795
C	\$49,112	\$51,567	\$54,148	\$56,856	\$59,697	\$62,683	\$65,816	\$69,105
D	\$55,429	\$58,201	\$61,109	\$64,165	\$67,375	\$70,743	\$74,282	\$77,994
E	\$61,005	\$64,054	\$67,257	\$70,621	\$74,150	\$77,858	\$81,752	\$85,841

Longevity pay:

- After completion of five (5) years: 2% of base annual pay
- After completion of ten (10) years: 3% of base annual pay
- After completion of fifteen (15) years: 4% of base annual pay
- After completion of twenty (20) years: 5% of base annual pay

**Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.*

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following schedules be adopted:

Schedule A -- Full-time/Non-union Administrative Employees and Laborer's Union Administrative and Supervisory Group

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule B -- Full-time/Non-union Hourly Employees and Laborer's Union Clerical Employees

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule C - Laborer's Union Department Head Group

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule D -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building Inspector, Assistant (hourly)	30.00
Dietician/Our Island Home (hourly)	33.00
Election Warden (hourly)	10.00
Election Worker (hourly)	8.50
EMT, Call (per hour)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (per hour)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Plumbing Inspector, Assistant (hourly)	30.00
Registrar of Voters (yearly)	600.00

Registrar, Temporary Assistant (hourly)	10.00
Seasonal Shellfish Warden(s) (yearly)	300.00
Sheriff, Deputy (yearly)	3,500.00
Teen Center Staff (hourly)	11.00
Teen Center Staff/Second Year (hourly)	12.00
Temporary Employee	various rates of pay
Wiring Inspector, Assistant (hourly)	30.00
Veterans' Agent (hourly)	15.00

Schedule E -- Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective April 15, 2006- April 14, 2007)

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$12.00	\$13.00	\$14.00	\$15.00
B-Hourly*	\$12.50	\$13.50	\$14.50	\$15.50
C-Hourly*	\$13.50	\$14.50	\$15.50	\$16.50
D-Hourly*	\$14.00	\$15.00	\$16.00	\$17.00
E-Hourly*	\$16.00	\$16.50	\$17.00	\$18.00

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

A: Dock Attendant, Information Aide, Matron

B: Swimming Instructor, Arts & Crafts Instructor, Seasonal Health Assistant, Shellfish Warden, Endangered Species Monitor, Parking Control Officer, Laborer (Public Works)

C: Endangered Species Monitor Supervisor, Summer Recreation Coordinator, Dock Worker

D: Seasonal Firefighter/EMT, Summer Special Police, Lifeguard, Tennis Attendant (Park & Recreation), Laborer (Park & Recreation)

E: Lifeguard Supervisor, Madaket Harbormaster, Seasonal Maintenance Supervisor (Park & Recreation); Tennis Instructor (Park & Recreation), Swimming Instructor (Park & Recreation)

Schedule F -- Scallop Season Compensation Schedule

\$35.00/day to be paid to the full-time permanent shellfish warden(s) when scalloping activity is taking place.

Schedule G -- Our Island Home Registered Nurse Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule H -- Department of Public Works Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule I -- Fire Department Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule J -- Our Island Home Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE - CONTRACT CURRENTLY UNDER NEGOTIATION

Schedule K -- Police Department Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule L - Dispatchers' Union Compensation Schedule
COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule M -- Compensation Schedule for Elected Officials*

Moderator	\$150 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Register of Deeds	Level D (per schedule below)
Sheriff	As per MGL
Town Clerk	Level D (per schedule below; and highlighted)

Level	Start	After 12 Mos.	After 24 Mos.	After 36 Mos.	After 48 Mos.	After 60 Mos.	After 72 Mos.	After 84 Mos.
A	\$36,850	\$38,693	\$40,627	\$42,657	\$44,792	\$47,032	\$49,382	\$51,852
B	\$42,495	\$44,621	\$46,851	\$49,194	\$51,654	\$54,235	\$56,947	\$59,795
C	\$49,112	\$51,567	\$54,148	\$56,856	\$59,697	\$62,683	\$65,816	\$69,105
D	\$55,429	\$58,201	\$61,109	\$64,165	\$67,375	\$70,743	\$74,282	\$77,994
E	\$61,005	\$64,054	\$67,257	\$70,621	\$74,150	\$77,858	\$81,752	\$85,841

Longevity pay:

- After completion of five (5) years: 2% of base annual pay
- After completion of ten (10) years: 3% of base annual pay
- After completion of fifteen (15) years: 4% of base annual pay
- After completion of twenty (20) years: 5% of base annual pay

**Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.*

ARTICLE 8

(Appropriation: Fiscal Year 2007 Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2007.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2007 operating budget be established for the various offices, boards and commissions of the Town as follows:

Department	FY 2007	FY 2007	FY 2007	FY 2006 Article 8 Total
	Payroll	Expenses	Total Budget	
GENERAL GOVERNMENT				
Conservation Commission	\$99,800	\$49,900	\$149,700	\$143,400
Disability, Commission on	\$10,700	\$3,200	\$13,900	\$13,900
Finance Committee	\$0	\$14,800	\$14,800	\$14,800
Finance & Operations	\$1,307,000	\$416,750	\$1,723,750	\$1,472,150
Historic District Commission	\$201,000	\$25,400	\$226,400	\$215,600

Information Systems/GIS	\$292,300	\$187,200	\$479,500	\$401,700
Legal	\$0	\$330,000	\$330,000	\$320,000
Moderator	\$0	\$1,500	\$1,500	\$1,500
NP & EDC	\$323,200	\$48,300	\$371,500	\$391,500
Personnel Board	\$0	\$14,100	\$14,100	\$14,100
Planning Board	\$54,600	\$11,550	\$66,150	\$64,150
Selectmen	\$398,200	\$190,900	\$589,100	\$481,200
Town Clerk	\$184,500	\$44,000	\$228,500	\$220,600
Zoning Board of Appeals	\$87,400	\$16,900	\$104,300	\$102,600
Subtotal	\$2,958,700	\$1,354,500	\$4,313,200	\$3,857,200
<i>SAFETY & PROTECTION</i>				
Inspectors	\$553,900	\$36,700	\$590,600	\$554,900
Emergency Mgt.	\$0	\$20,150	\$20,150	\$10,150
Fire Department	\$1,892,900	\$264,100	\$2,157,000	\$1,737,500
Health Department	\$230,900	\$36,800	\$267,700	\$248,200
Parking Clerk	\$0	\$12,100	\$12,100	\$12,100
Police Department & Animal Control	\$3,327,500	\$441,400	\$3,768,900	\$3,540,400
Street Lighting	\$0	\$75,000	\$75,000	\$75,000
Subtotal	\$6,005,200	\$886,250	\$6,891,450	\$6,178,250
<i>MARINE & COASTAL RESOURCES</i>				
Marine Department	\$462,900	\$56,700	\$519,600	\$491,200
Subtotal	\$462,900	\$56,700	\$519,600	\$491,200
<i>MAINTENANCE</i>				
Gas/Town Vehicles	\$0	\$239,000	\$239,000	\$124,000
Mosquito Control	\$189,900	\$35,200	\$225,100	\$130,400
Public Buildings	\$0	\$486,600	\$486,600	\$480,200
Public Works	\$1,420,800	\$533,000	\$1,953,800	\$1,885,000
Snow and Ice removal	\$0	\$25,000	\$25,000	\$25,000
Subtotal	\$1,610,700	\$1,318,800	\$2,929,500	\$2,644,600
<i>HUMAN SERVICES</i>				
Adult Community Day Care	\$91,200	\$37,500	\$128,700	\$113,700
Aging, Council on	\$177,800	\$23,000	\$200,800	\$195,200
Human Services, Council for	\$111,300	\$23,300	\$134,600	\$112,300
Our Island Home	\$3,570,200	\$892,100	\$4,462,300	\$4,323,000
Veterans' Services	\$9,900	\$400	\$10,300	\$10,300
Subtotal	\$3,960,400	\$976,300	\$4,936,700	\$4,754,500

<i>CULTURE & RECREATION</i>				
Atheneum	\$0	\$620,000	\$620,000	\$565,000
Park & Recreation	\$587,600	\$141,900	\$729,500	\$702,100
Town Clock	\$0	\$6,600	\$6,600	\$6,600
Visitor Services	\$255,700	\$171,100	\$426,800	\$401,200
Subtotal	\$843,300	\$939,600	\$1,782,900	\$1,674,900
Amount for contractual increases	\$131,000		\$131,000	\$0
Total of Department Oper. Budgets	\$15,972,200	\$5,532,150	\$21,504,350	\$19,600,650
<i>EDUCATION</i>				
Community School		\$310,000	\$310,000	\$310,000
School Department	\$15,521,600	\$3,680,900	\$19,202,500	\$17,866,550
Subtotal	\$15,521,600	\$3,990,900	\$19,512,500	\$18,176,550
Grand Total of Gen Gov't. Oper. Bdgts	\$31,493,800	\$9,523,050	\$41,016,850	\$37,777,200
<i>DEBT SERVICE</i>				
Principal		\$4,684,000	\$4,684,000	\$4,102,100
Interest		\$2,181,000	\$2,181,000	\$2,651,000
Subtotal		\$6,865,000	\$6,865,000	\$6,753,100
<i>INSURANCE</i>	payroll related	all other		
Auto Casualty		\$192,500	\$192,500	\$175,000
Blanket Liability		\$632,500	\$632,500	\$575,000
Claims Deductible		\$19,800	\$19,800	\$18,000
Insurance Consulting		\$30,800	\$30,800	\$28,000
Life Insurance	\$25,300		\$25,300	\$23,000
Medical Insurance	\$8,154,000		\$8,154,000	\$7,000,000
Unemployment	\$71,500		\$71,500	\$65,000
Workers Compensation	\$198,000		\$198,000	\$180,000
Laborer's Union Pension	\$28,600		\$28,600	\$26,000
Subtotal	\$8,477,400	\$875,600	\$9,353,000	\$8,090,000
<i>ASSESSMENTS</i>				
Barnstable Retirement	\$3,058,323		\$3,058,323	\$2,761,460
Subtotal	\$3,058,323	\$0	\$3,058,323	\$2,761,460
Grand Total of Operating Budget	\$43,029,523	\$17,263,650	\$60,293,173	\$55,381,760

And, to meet these appropriations, the sum of Sixty Million Two Hundred Ninety-three Thousand One Hundred Seventy-three Dollars (\$60,293,173) be raised and appropriated from the Fiscal Year 2007 tax levy and other general revenues of the Town, contingent upon passage by ballot of a general permanent operating override referendum question exempting One Million Five Hundred Thousand Dollars (\$1,500,000) from the limitations of Proposition 2½ so-called pursuant to G.L. Ch. 59, s. 21C(g).

The budget unanimously recommended by the Nantucket School Committee for the School Department, including the Nantucket Community School, for the fiscal year 2007 is Nineteen Million Eight Hundred Forty-seven Thousand Five Hundred Dollars (\$19,847,500).

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human service, private not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that contracts be executed by and between the Board of Selectmen and the respective private, not-for-profit agency for Fiscal Year 2007, which contracts shall stipulate mutually agreed upon terms and conditions.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Thirty-one Thousand Dollars (\$331,000) be raised and appropriated from the Fiscal Year 2007 tax levy and other general revenues of the Town to be used to fund contracts for the following health and human services, private not-for-profit agencies to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket, provided that the Board of Selectmen execute contracts with the respective agencies for Fiscal Year 2007, which contracts shall stipulate mutually agreed upon terms and conditions:

<i>AGENCY</i>	<i>AMOUNT</i>
Alliance for Substance Abuse	\$15,000
A Safe Place	\$50,000
Elder Services of Cape Cod & Islands	\$8,834
Family & Children's Services/Nantucket Behavioral Health Services	\$122,005
Interfaith Council Food Pantry	\$19,885
Interfaith Council Rental Assistance Program	\$10,000
Martha's Vineyard Community Services	\$15,000
Legal Services of Cape Cod & Islands	\$3,800
Nantucket Human Services Center, Inc.	\$5,000
Nantucket Cottage Hospital/Social Services	\$50,000
Small Friends, Inc.	\$31,476
<i>TOTAL</i>	<i>\$331,000</i>

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for Fiscal Year 2007 for the offices, departments, boards, and commissions of the Town of Nantucket.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following amounts be appropriated for capital expenditures for general fund departments for Fiscal Year 2007; all such expenditures to be made by the Town Administrator with the approval of the Board of Selectmen, and further the Town Administrator with the approval of the Board of Selectmen is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>AMOUNT</i>
Fire	Purchase of dispatch software	\$50,000
Information Systems	Professional services in connection with Geographic Information Systems digital orthophoto map update	\$60,000
NP & EDC	Professional services in connection with Sparks Avenue, Atlantic Avenue, Prospect Street ("4 Corners") intersection improvements; Pleasant Street streetscape improvements	\$200,000
Our Island Home	Costs related to design/professional services for addition to Our Island Home	\$150,000
Our Island Home	Purchase of new passenger van	\$55,000
Park & Recreation	Improvements to Jetties Bathhouse, including roof and window replacement	\$50,000
Park & Recreation	Purchase of replacement vehicle	\$20,000
Park & Recreation	Design of handicap restroom at Childrens' Beach	\$5,000
Public Works	Replacement of one-ton dump truck, including plow and sander	\$43,000
Public Works	Replacement of three (3) pick-up trucks	\$85,000
Public Works	Purchase of mosquito control equipment	\$100,000
Public Works	Purchase of replacement loader	\$120,000
Public Works	Engineering and other costs associated with design of landfill emergency water supply	\$15,000
Public Works	Purchase of mowing equipment	\$20,000
Public Works	Purchase of electrical generator	\$25,000
School	Costs associated with space reconfiguration study	\$100,000
School	Costs associated with space needs study	\$160,000
School	Purchase of computers	\$265,000
Selectmen	Exterior repairs to main Town Building	\$75,000
Selectmen	Interior repairs to Town Annex at 37 Washington Street	\$50,000
TOTAL		\$1,648,000

And, to meet the appropriation, that One Million Six Hundred Forty-eight Thousand Dollars (\$1,648,000) be raised and appropriated from the Fiscal Year 2007 tax levy and other general revenues of the Town;

and, further, that the following capital expenditures for general fund departments be approved for Fiscal Year 2007, all such expenditures to be made by the Town Administrator with the approval of the Board of Selectmen, and further that the Town Administrator with the approval of the Board of Selectmen is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

and, further, that the following capital expenditures for general fund departments be approved for Fiscal Year 2007, all such expenditures to be made by the Town Administrator with the approval of the Board of Selectmen, and further that the Town Administrator with the approval of the Board of Selectmen is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>AMOUNT</i>
Park & Recreation	Supplemental funding for repairs/improvements to Childrens' Beach boat ramp	\$200,000
Police	Public safety communications system (Town-wide)	\$3,000,000
Public Works	Construction, permitting and other costs related to Phase I stormwater drainage improvements	\$5,500,000
School	NES building improvements	\$200,000
School	CPS building improvements	\$390,000
School	NHS building improvements	\$865,000
Selectmen	Supplemental funding for Old South Road and/or Fairgrounds Road bicycle path projects	\$650,000
TOTAL		\$10,805,000

And, to meet the appropriation for all of the above items, that the Treasurer of the Town, with the approval of the Board of Selectmen, is hereby authorized to borrow Ten Million Eight Hundred Five Thousand Dollars (\$10,805,000) pursuant to any applicable statute, contingent upon passage by ballot of a referendum question exempting the principal so borrowed and interest from the limitations of Proposition 2½ so-called (G.L. Ch. 59, § 21C(k)), as a general obligation of the Town and that all or any portion of the Five Million Five Hundred Thousand Dollar (\$5,500,000) item for "Public Works" may be borrowed from the Massachusetts Water Pollution Abatement Trust and/or the State Revolving Loan Fund pursuant to chapter 29C of the general laws or any other source, or pursuant to any other applicable statute.

ARTICLE 11

(Appropriation: Ambulance Reserve Fund)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, the sum of Two Hundred Forty Thousand Dollars (\$240,000) for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three ambulances, the cost of EMT training classes; and to fund up to four (4) Firefighter/EMT positions. All expenditures to be made by the Fire Department, subject to the approval of the Board of Selectmen and/or Town Administrator.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Two Hundred Forty Thousand Dollars (\$240,000) be appropriated for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three ambulances, the cost of EMT training classes; and to fund up to four (4) Firefighter/EMT positions, and to meet this appropriation the sum of Two Hundred Forty Thousand Dollars (\$240,000) is hereby transferred from the Ambulance Reserve Fund to the General Fund. All expenditures to be made by the Chief of the Fire Department, subject to the approval of the Board of Selectmen and/or Town Administrator.

ARTICLE 12

(Appropriation: Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the following Enterprise Funds of the Town of Nantucket for Fiscal Year 2007: Nantucket Memorial Airport, Wannacomet Water Company, Siasconset Water Company, Sewer Enterprise, and Solid Waste Enterprise, out of anticipated revenues of the designated enterprise funds, for the purposes set forth above.

(Board of Selectmen for the Various Departments Indicated)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2007 operating budgets be approved for the Enterprise Funds, with the Airport appropriation to be expended through the Airport Commission; the Siasconset Water appropriation to be expended through the Siasconset Water Commission; the Wannacomet Water appropriation through the Nantucket Water Commission; and the remaining appropriations to be expended through the Board of Selectmen:

<i>FUND</i>	<i>FY 2007 PAYROLL</i>	<i>FY 2007 EXPENSES</i>	<i>FY 2007 TOTAL BUDGET</i>		<i>FY 2006 TOTAL BUDGET</i>
Airport	\$3,494,774	\$9,505,226	\$13,000,000		\$10,113,738
Sewer (includes Wastewater Treatment; Collection & Disposal; and Siasconset plant)	\$578,400	\$2,031,508	\$2,609,908		\$2,492,680
Siasconset Water	\$108,210	\$467,690	\$575,900		\$233,500
Wannacomet Water	\$1,110,150	\$2,361,700	\$3,471,850		\$2,957,600
TOTAL	\$5,291,534	\$14,366,124	\$19,657,658		\$15,797,518

Further, that the above appropriations be funded as follows:

<i>FUND</i>	<i>FUNDING SOURCES</i>	<i>AMOUNTS</i>
Airport	FY 07 Anticipated Revenues	\$13,000,000
Sewer	FY 07 Anticipated Revenues	\$2,465,700
	FY 07 Retained Earnings	\$144,208
Siasconset Water	FY 07 Anticipated Revenues	\$575,900
Wannacomet Water	FY 07 Anticipated Revenues	\$3,471,850
TOTAL FUNDING SOURCES		\$19,657,658

FINANCE COMMITTEE COMMENT: An amendment to the Committee's motion, above, will be provided at the Town Meeting with respect to the Solid Waste Enterprise Fund.

ARTICLE 13

(Appropriation: Enterprise Funds Capital Expenditures)

To see what sums the Town will vote to appropriate from the sources indicated below, for the purposes of capital expenditures in Fiscal Year 2007 for the following Enterprise Funds established under the jurisdiction of the Town of Nantucket: Nantucket Memorial Airport, Wannacomet Water Company, Siasconset Water Company, Sewer Enterprise, and Solid Waste Enterprise.

(Board of Selectmen for the Various Departments Indicated)

FINANCE COMMITTEE MOTION: Moved that the following capital expenditures be appropriated for the Enterprise Fund departments for Fiscal Year 2007 with the Airport appropriations to be expended through the Airport Commission, the Sewer Enterprise appropriations to be expended by the Town Administrator with the approval of the Board of Public Works, and the Wannacomet Water Enterprise appropriations to be expended through the Nantucket Water Commission:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>AMOUNT</i>
Airport	Purchase and installation of fencing	\$400,000
Airport	Purchase of emergency generator	\$150,000
Airport	Fuel truck containment	\$150,000
Airport	Purchase of new airfield equipment	\$250,000
Airport	Supplemental funding for property acquisition approved by Article 72 of 2005 Annual Town Meeting	\$400,000
Airport	Phase I of fuel pipeline installation (engineering, permitting and associated costs, provided, however, that (a) any such fuel pipeline shall be engineered, designed and sized to accommodate both the aviation needs of the Airport and all other present or foreseeable Island needs, public and private, (b) that any fuel pipeline capacity not used for aviation purposes be made available, under the jurisdiction and supervision of the Board of Selectmen, for other Island needs on such terms and conditions as the Board of Selectman shall determine, including the imposition of reasonable fees for the use thereof; and (c) any revenue generated by the fees imposed by the Board of Selectmen with respect to capacity not used for aviation purposes go to the general fund of the Town)	\$4,000,000
<i>Subtotal</i>		<i>\$5,350,000</i>
Sewer	Phase I and II infiltration/inflow improvements in downtown Core District	\$3,000,000
Sewer	Purchase of replacement sewer cleaning equipment	\$165,000
Sewer	Construction of sewer on north side of Old South Road	\$250,000
	Reconstruction of various areas of sewer collection system	\$100,000
<i>Subtotal</i>		<i>\$3,515,000</i>
Wannacomet Water	Rehabilitation of administrative office building	\$750,000
<i>Subtotal</i>		<i>\$750,000</i>
TOTAL		\$9,615,000

And, to meet these appropriations, that the following funding sources be used:

<i>FUNDING SOURCE</i>	<i>AMOUNT</i>
Airport Borrowing	\$5,350,000
Sewer Borrowing	\$3,515,000
Wannacomet Borrowing	\$750,000
TOTAL	\$9,615,000

Further, that the Treasurer of the Town, with the approval of the Board of Selectmen, is authorized to borrow the sum of Five Million Three Hundred Fifty Thousand Dollars (\$5,350,000) as a general obligation of the Town with the intent that any and all repayments and debt service (if applicable) are to come from Airport revenues; that the Treasurer of the Town with the approval of the Board of Selectmen is authorized to borrow the sum of Three Million Two Hundred Sixty-five Thousand Dollars (\$3,265,000), as a general obligation of the Town, with the intent that all repayments are to come from Sewer Enterprise revenues and that all or any portion of such amount may be borrowed from the Massachusetts Water Pollution Abatement Trust and/or the State Revolving Loan Fund pursuant to chapter 29C of the general laws or any other source, or pursuant to any other applicable statute; and that the Treasurer of the Town with the approval of the Board of Selectmen is authorized to borrow Two Hundred Fifty Thousand Dollars (\$250,000) for the construction of sewer on the north side of Old South Road as a general obligation of the Town with the intent that the interest and principal due is to be repaid to the Town through betterment assessments; that the Treasurer of the Town with the approval of the Board of Selectmen is authorized to borrow the sum of Seven Hundred Fifty Thousand Dollars (\$750,000), as a general obligation of the Town, with the intent that all repayments and debt service are to come from Wannacomet Water revenues.

ARTICLE 14

(Airport Enterprise Fund Capital Expenditure Modification)

To see if the Town will vote to amend the vote of the Town passed under Article 13 of the 2002 Annual Town Meeting to authorize the Treasurer, with the approval of the Board of Selectmen and the Airport Commission, to meet ~~\$605,000~~ \$1,181,500 of airport appropriations thereunder for the Structural Fire Truck Purchase (\$230,000), Refurbish ARFF Vehicle (\$175,000), the Operations Building (\$100,000) and the Employee Housing Design (\$100,000), Terminal Security Options Layout (\$80,000), Electric Security Gates (\$150,000), Emergency Security Plan (\$270,000), EA/EIR Additional Studies (\$4,500), South Apron Pavement (\$42,000) and Runway 6 ILS Installation (\$30,000) by issuing bonds or notes therefore pursuant to G.L. c.44 as general obligations of the Town, it being the intent of the Town, however, that the debt service on such bonds and notes will be paid with airport revenues; or to take any other action relative thereto.

(Board of Selectmen for Nantucket Airport Commission)

FINANCE COMMITTEE MOTION: That the vote of the Town passed under Article 13 of the 2002 Annual Town Meeting to authorize the Treasurer, with the approval of the Board of Selectmen and the Airport Commission, to meet ~~\$605,000~~ \$1,181,500 of airport appropriations thereunder for the Structural Fire Truck Purchase (\$230,000), Refurbish ARFF Vehicle (\$175,000), the Operations Building (\$100,000) and the Employee Housing Design (\$100,000), Terminal Security Options Layout (\$80,000), Electric Security Gates (\$150,000), Emergency Security Plan (\$270,000), EA/EIR Additional Studies (\$4,500), South Apron Pavement (\$42,000) and Runway 6 ILS Installation (\$30,000) by issuing bonds or notes therefore pursuant to G.L. c.44 as general obligations of the Town, it being the intent of the Town, however, that the debt service on such bonds and notes will be paid with airport revenues.

ARTICLE 15

(Sewer Enterprise Fund Capital Expenditure Modification)

To see if the Town will vote to amend the vote of the Town passed under Article 13 of the 2004 Annual Town Meeting to provide for the entire \$5,680,000 appropriated thereunder for sewer purposes to be raised by borrowing, rather than providing for \$3,200,000 of such appropriation to be raised from sewer

prior year articles, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes therefore pursuant to G.L. c.44 and to issue all or any portion of such bonds or notes to the Massachusetts Water Pollution Abatement Trust, the Rural Development Agency of the United States Department of Agriculture or otherwise.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: That the vote of the Town passed under Article 13 of the 2004 Annual Town Meeting is hereby amended to provide for the entire \$5,680,000 appropriated thereunder for sewer purposes to be raised by borrowing, rather than providing for \$3,200,000 of such appropriation to be raised from prior year sewer articles, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes therefore pursuant to G.L. c. 44 and to issue all or any portion of such bonds or notes to the Massachusetts Water Pollution Abatement Trust, the Rural Development Agency of the United States Department of Agriculture or otherwise.

ARTICLE 16

(Enterprise Accounts: Fiscal Year 2006 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2006 Enterprise Fund operating budgets from other line items of said budget and from Enterprise Surplus Reserve funds.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following Enterprise Fund budget transfers be made for Fiscal Year 2006:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Airport Retained Earnings	Airport Operating Expenses	\$480,000
Solid Waste Retained Earnings	Solid Waste Operating Expenses	\$604,000

FINANCE COMMITTEE COMMENT: Both Enterprise Funds have received revenues sufficient for these additional expenses, but under the state Department of Revenue guidelines, those revenues are not available at this time to address these budgetary deficits. In both instances, a transfer is required to address a budgetary deficit only, not a business deficit.

ARTICLE 17

(Establishment/Confirmation of Sewer Enterprise Fund(s))

To see if the Town will vote to accept the provisions of G. L. ch. 44, s. 53F½ to establish one or more enterprise funds in connection with the operations of the town's sewer facilities, sewage collection systems and related pipes, pumps and facilities for the Core/Surfside and Siasconset sections of the Island, for the Fiscal Year beginning July 1, 2006 and thereafter, and to take any other action with respect thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 18

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2007, and to authorize the expenditure of these funds for County purposes, all in

accordance with the General Laws and in accordance with the County Charter (Chapter 290, Acts of 1996), the sum of One Hundred Thousand Dollars (\$100,000).

(Board of Selectmen/County Commissioners)

FINANCE COMMITTEE MOTION: Moved that One Hundred Thousand Dollars (\$100,000) be raised and appropriated from the Fiscal Year 2007 tax levy and other general revenues of the Town to fund the Fiscal Year 2007 County assessment.

ARTICLE 19

(Appropriation: Finalizing Fiscal Year 2007 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for FY 2006 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of c. 35, s. 32 of the General Laws of the Commonwealth.

(Board of Selectmen/County Commissioners)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The Finance Committee, acting as the Nantucket County Review Committee in accordance with section 2.7 of the Nantucket County Charter, endorses the Fiscal Year 2007 budget for Nantucket County as adopted by the Nantucket County Commissioners on February 8, 2006 and by the County Review Committee on February 21, 2006.

ARTICLE 20

(Appropriation: Ferry Embarkation Fee)

To see what sum the Town will vote to appropriate from the proceeds of the ferry embarkation fee established by chapter 46, section 129 of the Acts of 2003 as amended, for the purposes of mitigating the impacts of ferry service on the Town and County of Nantucket, including but not limited to provision of harbor services, public safety protection, emergency services, infrastructure improvements within and around Nantucket Harbor, and professional services pertaining to the potential use or reuse of land, buildings and infrastructure in the vicinity of Nantucket Harbor, and any other purpose allowed by applicable law, or take any other action in relation thereto.

Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the appropriation of Ferry Embarkation Fee proceeds in the amount of One Hundred Thirty-six Thousand Seven Hundred Sixty Dollars (\$136,760) pursuant to Article 21 of the 2005 Annual Town Meeting, no part of which has been expended, be hereby rescinded, leaving these funds in the Ferry Embarkation Fee Fund in the treasury of the town;

that the appropriation of Ferry Embarkation Fee proceeds in the amount of Fifty-four Thousand Four Hundred Ninety Dollars (\$54,490) pursuant to Article 5 of the October 19, 2004 Special Town Meeting, no part of which has been expended, be also rescinded, leaving these funds in the Ferry Embarkation Fee Fund in the treasury of the town;

and further that these sums in the total amount of One Hundred Ninety-one Thousand Two Hundred Forty Dollars (\$191,240) together with additional proceeds of the Ferry Embarkation Fee now accruing in said fund in the amount of One Hundred Forty-Two Thousand Nine Hundred Seventy Dollars (\$142,970) be appropriated from the current proceeds of the Ferry Embarkation Fee in the Treasury of

the Town, for a total combined amount of Three Hundred Thirty-four Thousand Two Hundred Ten Dollars (\$334,210), to be spent by the Town Administrator with the approval of the Board of Selectmen as follows:

Two Hundred Twenty-four Thousand Two Hundred Ten Dollars (\$224,210) to pay for professional services pertaining to the potential use or reuse of land, buildings and infrastructure in the vicinity of Nantucket Harbor; and One Hundred Thousand Dollars (\$100,000) to be spent by the Police Department with the approval of the Town Administrator for officers deployed for traffic control.

ARTICLE 21

(Appropriation: Collective Bargaining Agreement/Our Island Home)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2007 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Our Island Home union employees (represented by the Service Employees International Union Local #1199) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Motion to be provided at Town Meeting; negotiations are pending.

ARTICLE 22

(Appropriation: Collective Bargaining Agreement/Public Works Union)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2006 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Public Works Department employees (represented by American Federation of State, County and Municipal Employees, Local No. 2977A) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Forty-six Thousand Dollars (\$46,000) be transferred as listed below to fund the cost items for Fiscal Year 2006 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Public Works Department employees (represented by American Federation of State, County and Municipal Employees, Local No. 2977A) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract:

In the general fund: transfer Twenty-seven Thousand Five Hundred Dollars (\$27,500) from allowance for contractual increases to Department of Public Works salaries; and, Two Thousand Five Hundred Dollars (\$2,500) to Mosquito Control salaries.

In the sewer enterprise fund: transfer Sixteen Thousand Dollars (\$16,000) from operating expenses to salaries.

ARTICLE 23

(Appropriation: Collective Bargaining Agreement/Fire Union)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2007 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Fire Union employees (represented by the International Association of Firefighters a/f/w A.F.L. - C.I.O. Local No. 2509) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Fifty-two Thousand Dollars (\$52,000) be raised and appropriated from the Fiscal Year 2007 tax levy and other general revenues of the Town to fund the cost items for Fiscal Year 2007 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Fire Union employees (represented by the International Association of Firefighters a/f/w A.F.L. - C.I.O. Local No. 2509) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

ARTICLE 24

(Appropriation: Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation Budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<i>Open Space Conservation</i>	
Nantucket Athenaeum	
Preservation & Restoration of the Nantucket Athenaeum Garden	\$57,736
Nantucket Land Council, Inc.	
270 Pristine Acres from Madaket Rd. to Eel Point Rd. (Conservation Restriction)	\$300,000
Nantucket Park and Recreation Commission	
Mill Hill Snow Machine	\$84,000
Skate Board Park Phase III	\$100,000
Subtotal	\$541,736
<i>Community Housing</i>	
Habitat for Humanity Nantucket, Inc.	
Habitat for Humanity Nantucket	\$50,000
Nantucket Housing Office	
Scattered Site Community Housing Rental Program: House Recycling	\$175,000
Nantucket Housing Office - Year Five	\$180,000

Nantucket Human Services Center, Inc.	
Nantucket Human Services Center	\$225,000
Sherburne Commons, Inc.	
Sherburne Commons, Inc. - an Assisted & Independent Living Community	\$200,000
Subtotal	\$830,000
<i>Historic Resources</i>	
American Youth Hostels, Inc. - Eastern New England Council	
Star of the Sea Hostel Preservation and Rehabilitation, Phase III & IV	\$100,000
Maria Mitchell Association	
The Mitchell House: Continuing Conservation of its Historic Components	\$47,600
Museum of Afro-American History	
Florence Higginbotham House Restoration Project Phase III	\$401,500
Nantucket Town Clerk	
Town Clerk's Record Restoration Project, Phase IV	\$200,000
South Church Preservation Fund	
Fabricate & Install New Dials, Re-gild Numerals & Markers of Town Clock	\$64,990
Two Centre Street Restoration Project, Inc.	
Restoration of the Historic Methodist Church Building	\$265,950
Subtotal	\$1,080,040
<i>Administrative</i>	
Community Preservation Committee	
Administrative and Operating Expenses	\$93,211
Subtotal	\$93,211
TOTAL	\$2,544,987

And amounts to be appropriated from the following sources:

<i>SOURCES</i>	<i>AMOUNT</i>
Raised and appropriated from FY2007 Community Preservation Surcharge	\$1,424,000
From State matching funds for FY 2006, to be received in FY 2007	\$1,070,987
From open space reserve fund balance	\$50,000
Total Revenues	\$2,544,987

for Fiscal Year 2007 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

Provided, however, that the above expenditures are conditional upon the recording of appropriate historic preservation restrictions for historic resources; open space restrictions for open space resources, and for affordable housing restrictions for community housing; running in favor of an entity authorized by the

Commonwealth to hold such restrictions for such expenditures, meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

(Barry G. Rector, et al)

FINANCE COMMITTEE MOTION: Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2007 revenues or other available funds as indicated herein, for the administrative and operating expenses of the Community Preservation Committee, the undertaking of community preservation projects and all other necessary and proper expenses for the year, for Fiscal Year 2007 community preservation purposes set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee with the approval of the Board of Selectmen:

Purpose	Amount
<i>Open Space Conservation</i>	
Nantucket Athenaeum	
Preservation & Restoration of the Nantucket Athenaeum Garden	\$57,736
Nantucket Land Council, Inc.	
270 Pristine Acres from Madaket Rd. to Eel Point Rd. (Conservation Restriction)	\$300,000
Nantucket Park and Recreation Commission	
Mill Hill Snow Machine	\$84,000
Skate Board Park Phase III	\$100,000
Subtotal	\$541,736
<i>Community Housing</i>	
Habitat for Humanity Nantucket, Inc.	
Habitat for Humanity Nantucket	\$50,000
Nantucket Housing Office	
Scattered Site Community Housing Rental Program: House Recycling	\$175,000
Nantucket Housing Office - Year Five	\$180,000
Nantucket Human Services Center, Inc.	
Nantucket Human Services Center	\$225,000
Sherburne Commons, Inc.	
Sherburne Commons, Inc. - an Assisted & Independent Living Community	\$200,000
Subtotal	\$830,000
<i>Historic Resources</i>	
American Youth Hostels, Inc. - Eastern New England Council	
Star of the Sea Hostel Preservation and Rehabilitation, Phase III & IV	\$100,000
Maria Mitchell Association	
The Mitchell House: Continuing Conservation of its Historic Components	\$47,600

Museum of Afro-American History	
Florence Higginbotham House Restoration Project Phase III	\$401,500
Nantucket Town Clerk	
Town Clerk's Record Restoration Project, Phase IV	\$200,000
South Church Preservation Fund	
Fabricate & Install New Dials, Re-gild Numerals & Markers of Town Clock	\$64,990
Two Centre Street Restoration Project, Inc.	
Restoration of the Historic Methodist Church Building	\$265,950
Subtotal	\$1,080,040
<i>Administrative</i>	
Community Preservation Committee	
Administrative and Operating Expenses	\$93,211
Subtotal	\$93,211
TOTAL	\$2,544,987

And amounts to be appropriated from the following sources:

<i>SOURCES</i>	<i>AMOUNT</i>
Raised and appropriated from FY2007 Community Preservation Surcharge	\$1,424,000
From State matching funds for FY 2006, to be received in FY 2007	\$1,070,987
From open space reserve fund balance	\$50,000
Total Revenues	\$2,544,987

Provided, however, that the above expenditures are conditional upon the recording of appropriate historic preservation restrictions for historic resources; open space restrictions for open space resources, and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures, meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

ARTICLE 25

(Fiscal Year 2007 Budget Transfers: Community Preservation Committee)

To see what sums the Town will vote to transfer into the Community Preservation Committee unreserved fund balance to turn back the unspent remainder of projects approved in prior fiscal years so that it will be available for future appropriations.

FROM	TO	AMOUNT
Article 22, ATM03 Maria Mitchell Association Restoration of Decorative Grain Painting at the Mitchell House	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$10,474.05
Article 22, ATM03 Nantucket Board of Selectmen Town Employee & Resident Housing on Town Land	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$65,175.00
Article 22, ATM03 Two Centre Street Restoration Project, Inc.	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$2420.05

Two Centre Street Restoration Project Inc.		
Article 21, ATM04 Nantucket Athenaeum Restoration of Building Fabric of 1847 Nantucket Athenaeum	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$346.31
Article 21, ATM04 Nantucket Lightship Basket Museum, Inc. Preservation of 1821 House and Garden	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$55,650.00
Article 27, ATM05 Nantucket Board of Selectmen Restoration of the Madaket Life Saving Station Surf-Boat House	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$15,700.00

(Barry G. Rector, et al)

FINANCE COMMITTEE MOTION: Moved that the following amounts be transferred into the Community Preservation Committee unreserved fund balance to turn back the unspent remainder of projects approved in prior fiscal years so that it will be available for future appropriations.

FROM	TO	AMOUNT
Article 22, ATM03 Maria Mitchell Association Restoration of Decorative Grain Painting at the Mitchell House	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$10,474.05
Article 22, ATM03 Nantucket Board of Selectmen Town Employee & Resident Housing on Town Land	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$65,175.00
Article 22, ATM03 Two Centre Street Restoration Project, Inc. Two Centre Street Restoration Project Inc.	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$2420.05
Article 21, ATM04 Nantucket Athenaeum Restoration of Building Fabric of 1847 Nantucket Athenaeum	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$346.31
Article 21, ATM04 Nantucket Lightship Basket Museum, Inc. Preservation of 1821 House and Garden	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$55,650.00
Article 27, ATM05 Nantucket Board of Selectmen Restoration of the Madaket Life Saving Station Surf-Boat House	Fiscal Year 2007 Community Preservation Committee unreserved fund balance	\$15,700.00

ARTICLE 26

(Appropriation: Broadcast of Meetings of Local Boards and Commissions)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of Fifty Thousand Dollars (\$50,000) for the purpose of filming and broadcasting on local television the regularly scheduled public meetings of the following boards, committees and commissions: Airport Commission, Conservation Commission, Finance Committee, Historic District Commission, Nantucket Planning & Economic Development Commission, Planning Board,

Shellfish Harbor Advisory Board, and Zoning Board of Appeals, for the period of one year.
(Christine Silverstein, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: Recommend that the Town include this item in the negotiations for the upcoming cable television license renewal.

ARTICLE 27

(Establishment of Open Space (OS) Zoning District and Zoning Map Change: Shore Reservation at Smith's Point, Madaket, Miacomet Pond Greenway and Weweeder Pond Greenway)

To see if the Town will take the following actions in regard to the creation of an Open Space (OS) district by amending Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text*):

1. Section 13, "Moorlands Management District MMD":

139-13. Moorlands Management District (MMD) and Open Space (OS) district.

13.1 Moorlands Management District (MMD)

- A. Purpose. The Moorlands Management District is established pursuant to the Town's goals and objectives for balanced growth adopted by Town Meeting as the island's long-range comprehensive growth policy. More specifically, it is the purpose of the Moorlands Management District to protect areas of the island known to be excellent examples of temperate zone heath. Heaths and moorlands on Nantucket Island represent an extremely fragile and unique environment, and are a rare and endangered landform of North America. Along coastal areas, they may also include flood-prone areas, glacial valleys and coastal pond systems. It is the intention of this district to permit a type and integrity of use which is consistent with the long-term integrity of these special ecological systems. **[Amended 5-4-1993 ATM by Art. 43, AG approval 5-24-1993]**
- B. Permitted uses:
- (1) Conservation and recreation, including structures and uses accessory thereto.
 - (2) One single-family dwelling unit not exceeding 800 square feet of ground coverage, plus not more than 400 square feet area in the aggregate devoted to decks, covered porches, accessory buildings, or other impervious surfaces.
- C. Uses allowed by special permit with minor site plan review. The Planning Board is hereby designated the sole special permit granting authority for all uses, structures and extension or alteration of uses or structures within the Moorlands Management District, including, but not limited to the following: **[Amended 5-5-1992 ATM by Art. 40, AG approval 8-3-1992; 4-14-1997 ATM by Art. 49, AG approval 8-5-1997; 4-10-2002 ATM by Art. 36, AG approval 7-31-2002]**
- (1) One single-family dwelling unit exceeding 800 square feet of ground coverage, including structures and uses normally considered accessory thereto, may be allowed, provided that each special permit granted shall include conditions requiring the siting of structures and uses in a manner which minimizes potentially adverse effects on the moorlands environment and its scenic integrity.
 - (2) Subdivision of properties located within the Moorlands Management District shall require a special permit.
 - (a) The issuance of a special permit for subdivision in the Moorlands Management District shall include conditions as to the layout of lots, the design and location of public improvements, and the establishment of permitted building envelopes, so as to minimize potentially

adverse effects on the moorlands environment and its scenic integrity.

- (b) The Planning Board shall have the authority to require clustering of lots pursuant to § 139-7B of this chapter as a condition for the issuance of the special permit in order to accomplish the above-stated objectives.
- D. Site plan approval. Prior to the issuance of a building permit for structures or uses permitted as a matter of right or by special permit in the Moorlands Management District, the Planning Board shall have the authority to review and approve the siting of said structure(s) on the lot in accordance with the following performance standards:
- (1) To maximize the protection of endangered plant and animal species through the siting of structures and uses a maximum distance away from known or suspected habitats of such species, even when such habitats are located off-site; to minimize disturbance to such species by limiting construction activities to certain times of the year.
 - (2) To maximize the protection of scenic views through the siting of structures on lower elevations, and clustering of structures near other structures located off-site.
 - (3) To maximize protection of moorlands and heath-land vegetation and landforms through the use of various measures, including, but not limited to, limitations on grading, fencing, landscaping, driveway and parking facilities, and other physical disruptions to indigenous natural systems.
 - (4) The Planning Board may include conditions as part of the approval of such a site plan in order to assure conformance with the standards.
- E. Procedures.
- (1) In cases involving building or use permit applications for structures or uses permitted as a matter of right in the Moorlands Management District, applicants shall obtain site plan approval from the Planning Board prior to submitting a building permit application to the Building Inspector. Site plan review applications shall be submitted directly to the Planning Board and shall include such submission requirements as may be prescribed by the Planning Board in its regulations.
 - (a) Failure of the Planning Board to notify the Building Inspector of its action with respect to such application within 20 days of the application filing date shall be deemed approval of the application by the Planning Board.
 - (b) The Building Inspector shall not accept a building or use permit application for land in the Moorlands Management District unless it contains either:
 - [1] The Planning Board's decision on the site plan review application; or
 - [2] Documentation in a form satisfactory to the Building Inspector that 20 days have elapsed from the date of submission of the site plan review application to the Planning Board without said Board having rendered a decision.
 - (2) No building or use permit shall be issued by the Building Commissioner for structures or uses located in the Moorlands Management District without site plan approval by the Planning Board. If conditions have been attached to site plan approval by the Planning Board, the Building Commissioner shall require the applicant to amend his application accordingly, and comply with said conditions. **[Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]**
 - (3) In cases involving a building or use permit application for structures or uses permitted by special permit, the Planning Board shall consider and decide upon site plan review and approval during the public hearing process required for special permits by § 139-30, at which time it shall also consider whether or not the proposed use or structure is in harmony with the general purpose and intent of this chapter.

13.2 Open Space (OS) district

- A. Purpose. The purpose of the Open Space (OS) district is to protect areas of the island that have

been: purchased for or designated as open space for their scenic, natural, scientific, historical, cultural, agricultural, or recreational significance. This Bylaw allows a variety of uses associated with the enjoyment and preservation of land where residential, commercial, and industrial uses are not permitted.

B. Permitted uses:

- (1) Preservation and conservation of land or water bodies in a natural state including but not limited to: ponds, marshes, wetlands, swamps, dunes, beaches, heath, grassland, woodland, forest, fields, and nature/bird sanctuaries;
- (2) Parks, playgrounds, playing fields, multi-use trails, camp grounds, and beaches for recreational activities including but not limited to: swimming, sun bathing, picnicking, biking, boating, fishing, hunting, horseback riding, nature study, and hiking.
- (3) Agriculture, including harvesting of cranberries, and educational uses as defined by MGL 40A section 3;
- (4) Private, non-commercial storage of rafts, canoes, dinghies, kayaks, sailboards, sail boats, row boats, and other similar water craft;
- (5) Non-residential structures and uses utilized in conjunction with an outdoor open space use including maintenance and enforcement such as storage sheds, gate houses, garages, barns, offices, stages, tents, bleachers, docks, landings, boardwalks, duck walks, hunting or viewing platforms, boat houses, gazebos, game courts, restrooms, bulk heads or retaining walls;
- (6) Cemeteries;
- (7) Yards;
- (8) Parking areas of less than twenty (20) spaces;
- (9) Municipal infrastructure providing that there are no dwelling units;
- (10) Individual or common wells or septic systems approved as part of a Cluster or MRD subdivision

C. Uses allowed by Special Permit with minor site plan review. The Planning Board is hereby designated the sole special permit granting authority for all uses, structures, and extension or alteration of uses or structures within the Open Space (OS) district including but not limited to the following:

- (1) Golf Courses;
- (2) Parking areas of more than twenty spaces;
- (3) Kennels;
- (4) Commercial watercraft rental or storage;
- (5) Recreational facilities for the following uses, including but not limited to: archery, tennis, paddle tennis, shooting range, golf course, and skate park.

D. Procedures. In cases involving a building or use permit application for structures or uses permitted by special permit, the Planning Board shall consider and decide upon site plan review and approval during the public hearing process required for special permits by section 139-30.

2. Section 3D, "Special districts":

D. Special districts.

District	Abbreviation
Moorlands Management	MMD
Open Space	OS
Special Academy Hill	AHD
Special Our Island Home	OIH
Assisted/Independent Living Community District	ALC

3. Section 7, "All districts, including Limited Use General-1, 2 and 3 subject to the provisions of special and overlay districts":

139-7. All districts, except Open Space and including Limited Use General-1, 2 and 3 subject to the provisions of special and overlay districts.

4. Section 16A, "Intensity regulations":

District Defined in § 139-3+	Minimum Lot Size (square feet)	Yard Setback			Ground Cover Ratio
		Front (feet)	Side/Rear (feet)**	Frontage (feet)*	
LUG-1	40,000	35	10	100	7%
LUG-2	80,000	35	15	150	4%
LUG-3	120,000	35	20	200	3%
R-1	5,000	10	5 ¹	50	30%
R-10	10,000	20	10	75	25%
SR-10	10,000	15	5	75	25%
R-2	20,000	30	10	75	12.5%
ROH	5,000	None	5	50	50%
RCDT	3,750	None	Side: none Rear: 5	35	75%
RC	5,000	None	5 ¹	40	50%
RC-2	5,000	20	5 ¹	40	50%
LC	5,000	None	5	40	50%
MMD	10 acres	50	50	300	0.5%
OS	0	30	30	0	1%

NOTES:

See § 139-33E for nonconforming lots

¹ For corner lots in the R-1 and RC-2 Districts, side yard setbacks shall be 10 feet from any abutting street or way, whether constructed or not.

5. Section 16D(3), "Regularity Formula":

(3) The regularity formula shall not apply to lots recorded or endorsed prior to April 15, 1980 or to lots located within the Open Space district.

6. Section 23E(2), "Site plan review authority":

(2) Minor site plan review: Zoning Enforcement Officer, except that the Zoning Board of Appeals shall be the site plan review authority ("review authority") for those uses within the threshold limits of this category for which a special permit is required from the Zoning Board of Appeals, and which are not otherwise exempted herein, and the Planning Board shall be the review authority for an MMD or OS special permit with minor site plan review.

7. Section 30A, "Special Permits":

A. The special permit granting authority shall be the Board of Appeals for all special permits, except those special permits for which the Planning Board is specifically designated by any provision of this chapter as the special permit granting authority. In instances where all or any portion of a project involves an application to the Planning Board as special permit granting authority for major residential developments pursuant to § 139-7F, for cluster developments pursuant to § 139-7B, for mixed-income residential developments pursuant to § 139-7I, for special permitted developments in the Wellhead Recharge District pursuant to § 139-12B, for special permitted developments in the Moorlands Management District or Open Space district pursuant to § 139-13, or WECS installations pursuant to § 139-21C, for multifamily dwellings pursuant to § 139-8, and for assisted-living facilities pursuant to § 139-14C and elder housing facilities in the Limited Commercial District, the Planning Board shall serve as the special permit granting authority for all other special permits required in connection with such project.

8. To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions with regard to property in the vicinity of Madaket, Miacomet Pond and Weweeder Pond:

8a. Placing the following properties, currently located in the Residential 2 (R-2) district in the Open Space (OS) district (Shore Reservation at Smiths Point, Madaket):

Map	Lot	Number	Street
36.2.2	2 through 5		New York Ave
36.2.2	22		New York Ave
36.2.3	1 through 7		New York Ave
36.2.3	8 through 11		New York Ave
36.2.3	12 through 30		New York Ave
36.2.3	61 through 68		New York Ave
36.2.3	72 through 79		New York Ave
36.2.3	80 & 81		New York Ave
36.2.3	82		New York Ave
36.2.3	83 through 92		New York Ave
36.2.3	93 through 96		New York Ave
36.2.3	1		Shore Reservation
36.2.3	12 through 15		New York Ave
36.2.3	16 through 21		New York Ave
36.2.3	22 through 28		New York Ave
36.2.3	47 through 52		New York Ave
36.2.3	57 through 61		New York Ave
36.2.3	53 through 56		New York Ave
60	1		Esther Island Road
60	3		New Jersey Ave
60	45		Madaket Road
60	46 through 53 & 126		Madaket Road
60	54		Madaket Road
60	55 through 57		Alabama Ave
60	58 through 62		Alabama Ave
60	64		California Ave
60	65 through 72		California Ave
60	73 & 74		Maine Ave

60	123	7	Chicago Street
60.3.1	23		Rhode Island Ave
60.3.1	34 through 41	55-57	New Hampshire Ave
60.3.1	42 through 50	52,54,56,58,60	New Hampshire Ave
60.3.1	52 through 58		Vermont Ave
60.3.1	198 & 199	48	New Hampshire Ave
60.3.1	200 through 203		New Hampshire Ave
60.3.1	226 through 241		Vermont Ave
60.3.1	242 & 243		Vermont Ave
60.3.1	244 through 249		Vermont Ave
60.3.1	250 through 285		Vermont - Maine Ave
60.3.1	286	31	Maine Ave
60.3.1	287 through 290	30	Maine Ave
60.3.1	291 through 297	28	Maine Ave
60.3.1	298 through 303	20-24	Maine Ave
60.3.1	304 through 306		California Ave
60.3.1	307 through 310		California Ave
60.3.1	427	18	Maine Ave
60.3.1	429	16	Maine Ave
60.3.1	465		California Ave
60.3.1	467		California Ave
60.3.4	1 through 3		New Hampshire Ave
60.3.4	4 through 10		New Hampshire Ave
60.3.4	12 through 15		Rhode Island Ave
60.3.4	16 & 17		Rhode Island Ave
60.3.4	18 through 22		Rhode Island Ave
60.3.4	23 through 27		Rhode Island Ave
60.3.4	52 through 56		Massachusetts Ave
60.3.4	89 through 92		Massachusetts Ave
60.3.4	93 through 96	57	Massachusetts Ave
61	2		Esther Island Road
61.1.1	11 through 18		Maryland Street
61.1.1	19 through 32		Maryland Street
61.1.1	67 through 80		Texas Street
61.1.1	81 through 89		Texas Street
61.1.1	90 through 92		Texas Street
61.1.1	93 through 107		Nevada Street
61.1.1	108 through 111		Nevada Street
61.1.1	112 through 119		Nevada Street
61.1.1	120 through 133		Nevada Street
61.1.1	134 through 143		Nevada Street
61.1.1	144		Nevada Street
61.1.1	145 through 161		Missouri Ave
61.1.1	162 through 166		Missouri Ave
61.1.1	167 & 168		Missouri Ave
61.1.1	169 through 180		Missouri Ave
61.1.1	181 & 182		Missouri Ave

61.1.1	183 & 184		Missouri Ave
61.1.1	185 through 201		Wisconsin Ave
61.1.1	202 through 206		Wisconsin Ave
61.1.1	207 & 208		Wisconsin Ave
61.1.1	209 through 214		Wisconsin Ave
61.1.1	215 through 220		Illinois Ave
61.1.1	221 through 224		Point Street
61.1.4	1 through 7		Missouri Ave
61.1.4	8 through 11		Missouri Ave
61.1.4	12 & 13		Nevada Street
61.1.4	14		Nevada Street
61.1.4	15 through 19		Missouri Ave
61.1.4	20 through 38		Missouri Ave
61.1.4	39 through 61		Wisconsin Ave
61.1.4	62 & 63		Missouri Ave
61.1.4	64 & 65		Missouri Ave
61.1.4	66 through 69		Missouri Ave
61.1.4	70 through 78		Wisconsin Ave
61.1.4	79 through 85		Wisconsin Ave
61.1.4	86 through 98		Illinois Ave
61.1.4	99 through 122		Wisconsin Ave
61.1.4	123 through 146		Illinois Ave
61.1.4	147 through 158		Wisconsin Ave
61.1.4	159 through 171		Illinois Ave
61.1.4	172 through 191		Illinois Ave
61.1.4	192 through 215		Virginia Ave
61.1.4	216 through 239		Illinois Ave
61.1.4	240 & 241		Illinois Ave
61.1.4	242 through 245		Illinois Ave
61.1.4	246		Illinois Ave
61.1.4	247 through 265		Virginia Ave
61.1.4	266 through 289		Virginia Ave
61.4.1	1 through 26		Virginia Ave

and the areas of unconstructed ways all as shown on a map entitled "Warrant Article 27, MGL 41-81D Master Plan, Zoning Change: Shore Reservation at Smiths Point, Madaket" dated February 2006, filed herewith at the office of the Town Clerk.

8b. Placing the following properties, currently located in the Residential 10 (R-10) and Limited Use General-2 (LUG-2) district in the Open Space (OS) district (Miacomet Pond Greenway):

Map	Lot	Number	Street
67	3	15	Miacomet Road
67	345	1	Miacomet Road
67	346	9	Miacomet Road

All as shown on a map entitled "Warrant Article 27, MGL 41-81D Master Plan, Zoning Change: Miacomet Pond Greenway" dated February 2006 filed herewith at the office of the Town Clerk.

8c. Placing the following properties, currently located in the Limited Use General-2 (LUG-2) district in the Open Space (OS) district (Weweeder Pond Greenway):

Map	Parcel	Number	Street
80	39		Weweeder Pond
80	105		Pochick Avenue
80	106		Weweeder Pond
80	107		Pochick Avenue
80	146		Pochick Avenue
80	147		Pochick Avenue
80	148		Pochick Avenue
80	219	"2"	South Shore Road
87	4	51	Western Avenue
87	134		Weweeder Pond

and the areas of unconstructed ways as shown on the map entitled "Warrant Article 27, MGL 41-81D Master Plan, Zoning Change: Weweeder Valley Greenway" dated February 2006 filed herewith at the office of the Town Clerk.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to table the Article to the next available Town Meeting.

ARTICLE 28

(Zoning Map Change: Madaket)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential Commercial (RC) district in the Limited Use General-2 (LUG-2) district:

Map	Parcel	Number	Street
38	17	5	Little Neck Way
38	18	7	Little Neck Way
38	18.1	3	Little Neck Way
38	19.1	1	Little Neck Way
38	20	24	North Cambridge Street
38	21	26	North Cambridge Street
38	22	29	North Cambridge Street
38	portion of 24	27	North Cambridge Street
38	158	21	North Cambridge Street
38	159	17	North Cambridge Street

All as shown on a map entitled "Warrant Article 28, MGL 41-81D Master Plan, Zoning Change: Madaket, as recommended by the Madaket Area Workgroup" dated February 2006 filed herewith at the office of the Town Clerk.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to amend the "Zoning Map of Nantucket, Massachusetts" prepared by the GIS Department, dated February 11, 2004 as amended by placing the following properties, currently located in the Residential Commercial (RC) district in the Limited Use General-2 (LUG-2) district:

Map	Parcel	Number	Street
38	17	5	Little Neck Way
38	18	7	Little Neck Way
38	18.1	3	Little Neck Way
38	19.1	1	Little Neck Way
38	20	24	North Cambridge Street
38	21	26	North Cambridge Street
38	22	29	North Cambridge Street
38	portion of 24	27	North Cambridge Street
38	158	21	North Cambridge Street
38	159	17	North Cambridge Street

ARTICLE 29

(Zoning Map Change: Pine Valley)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential Commercial-2 (RC-2) district to the Residential-10 (R-10) district:

Map	Lot	Number	Street
66	304	1	Topping Lift
66	305	3	Topping Lift
66	306	5	Topping Lift
66	307	7	Topping Lift
66	308	6	Topping Lift
66	309	4	Topping Lift
66	310	2	Topping Lift
66	311	5	Mizzenmast
66	312	3	Keel Lane
66	313	1	Spindrift
66	314	3	Spindrift
66	315	4	Spindrift
66	316	2	Spindrift
66	317	9	Keel Lane
66	318	11	Keel Lane
66	319	13	Keel Lane
66	320	15	Keel Lane
66	321	17	Keel Lane
66	322	19	Keel Lane
66	323	21	Keel Lane
66	324	1	Halyard Lane
66	325	3	Halyard Lane
66	326	6	Halyard Lane
66	327	4	Halyard Lane
66	328	2	Halyard Lane
66	329	25	Keel Lane
66	330	27	Keel Lane
66	331	24	Rudder Lane

66	332	22	Rudder Lane
66	333	20	Rudder Lane
66	334	1	Reacher Lane
66	335	3	Reacher Lane
66	336	4	Reacher Lane
66	337	2	Reacher Lane
66	338	14	Rudder Lane
66	339	12	Rudder Lane
66	340	10	Rudder Lane
66	341	8	Rudder Lane
66	342	1	Spinnaker Circle
66	343	3	Spinnaker Circle
66	344	6	Spinnaker Circle
66	345	4	Spinnaker Circle
66	346	2	Spinnaker Circle
66	347	4	Rudder Lane
66	348	2	Rudder Lane
66	349	1	Luff Road
66	350	3	Luff Road
66	351	5	Luff Road
66	352	7	Luff Road
66	353	9	Luff Road
66	354	11	Luff Road
66	355	10	Luff Road
66	356	8	Luff Road
66	357	6	Luff Road
66	358	4	Luff Road
66	359	2	Luff Road
66	360	8	Mizzenmast
66	361	3	Rudder Lane
66	362	5	Rudder Lane
66	363	7	Rudder Lane
66	364	9	Rudder Lane
66	365	11	Rudder Lane
66	366	13	Rudder Lane
66	367	15	Rudder Lane
66	368	22	Mizzenmast
66	369	20	Mizzenmast
66	370	18	Mizzenmast
66	371	16	Mizzenmast
66	372	14	Mizzenmast
66	373	12	Mizzenmast
66	374	10	Mizzenmast
66	375	2	Keel Lane
66	376	9	Mizzenmast
66	377	11	Mizzenmast
66	378	13	Mizzenmast

66	379	15	Mizzenmast
66	380	18	Keel Lane
66	381	16	Keel Lane
66	382	14	Keel Lane
66	383	12	Keel Lane
66	384	10	Keel Lane
66	385	8	Keel Lane
66	386	6	Keel Lane
66	387	4	Keel Lane

All as shown on a map entitled "Warrant Article 29, MGL 41-81D Master Plan, Zoning Change: Pine Valley" dated February 2006 filed herewith at the office of the Town Clerk.
(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to amend the "Zoning Map of Nantucket, Massachusetts" prepared by the GIS Department, dated February 11, 2004 as amended by placing the following properties, currently located in the Residential Commercial-2 (RC-2) district to the Residential-10 (R-10) district:

Map	Lot	Number	Street
66	304	1	Topping Lift
66	305	3	Topping Lift
66	306	5	Topping Lift
66	307	7	Topping Lift
66	308	6	Topping Lift
66	309	4	Topping Lift
66	310	2	Topping Lift
66	311	5	Mizzenmast
66	312	3	Keel Lane
66	313	1	Spindrift
66	314	3	Spindrift
66	315	4	Spindrift
66	316	2	Spindrift
66	317	9	Keel Lane
66	318	11	Keel Lane
66	319	13	Keel Lane
66	320	15	Keel Lane
66	321	17	Keel Lane
66	322	19	Keel Lane
66	323	21	Keel Lane
66	324	1	Halyard Lane
66	325	3	Halyard Lane
66	326	6	Halyard Lane
66	327	4	Halyard Lane
66	328	2	Halyard Lane
66	329	25	Keel Lane
66	330	27	Keel Lane
66	331	24	Rudder Lane

66	332	22	Rudder Lane
66	333	20	Rudder Lane
66	334	1	Reacher Lane
66	335	3	Reacher Lane
66	336	4	Reacher Lane
66	337	2	Reacher Lane
66	338	14	Rudder Lane
66	339	12	Rudder Lane
66	340	10	Rudder Lane
66	341	8	Rudder Lane
66	342	1	Spinnaker Circle
66	343	3	Spinnaker Circle
66	344	6	Spinnaker Circle
66	345	4	Spinnaker Circle
66	346	2	Spinnaker Circle
66	347	4	Rudder Lane
66	348	2	Rudder Lane
66	349	1	Luff Road
66	350	3	Luff Road
66	351	5	Luff Road
66	352	7	Luff Road
66	353	9	Luff Road
66	354	11	Luff Road
66	355	10	Luff Road
66	356	8	Luff Road
66	357	6	Luff Road
66	358	4	Luff Road
66	359	2	Luff Road
66	360	8	Mizzenmast
66	361	3	Rudder Lane
66	362	5	Rudder Lane
66	363	7	Rudder Lane
66	364	9	Rudder Lane
66	365	11	Rudder Lane
66	366	13	Rudder Lane
66	367	15	Rudder Lane
66	368	22	Mizzenmast
66	369	20	Mizzenmast
66	370	18	Mizzenmast
66	371	16	Mizzenmast
66	372	14	Mizzenmast
66	373	12	Mizzenmast
66	374	10	Mizzenmast
66	375	2	Keel Lane
66	376	9	Mizzenmast
66	377	11	Mizzenmast
66	378	13	Mizzenmast

66	379	15	Mizzenmast
66	380	18	Keel Lane
66	381	16	Keel Lane
66	382	14	Keel Lane
66	383	12	Keel Lane
66	384	10	Keel Lane
66	385	8	Keel Lane
66	386	6	Keel Lane
66	387	4	Keel Lane

ARTICLE 30

(Zoning Map Change: Pine Crest)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential Commercial-2 (RC-2) district in the Residential-2 (R-2) district:

Map	Lot	Number	Street
68	portion of 418	11	Pine Crest Dr
68	portion of 422	35	Pine Crest Dr
68	portion of 423	31	Pine Crest Dr
68	portion of 424	27	Pine Crest Dr
68	portion of 425	22	Pine Crest Dr
68	portion of 426	26	Pine Crest Dr
68	portion of 430	7	Pine Crest Dr
68	portion of 431	14	Pine Crest Dr
68	portion of 432	18	Pine Crest Dr
68	portion of 433	23	Pine Crest Dr
68	portion of 435	15	Pine Crest Dr

All as shown on a map "Warrant Article 30, MGL 41-81D Master Plan, Zoning Change: Pine Crest" dated February 2006 filed herewith at the office of the Town Clerk.
(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to table the Article.

ARTICLE 31

(Zoning Map Change: Squam)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions in regard to property on or near Squam Road between Wauwinet Road and Quidnet Road as follows:

1. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-1 (LUG-1) district:

Map	Parcel	Number	Street
21	7	13	Squam Road
21	8	11	Squam Road
21	9	7	Squam Road
21	10	66	Quidnet Road

2. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-3 (LUG-3) district:

Map	Parcel	Number	Street
21	portions of 6 and 42	17	Squam Road
21	45 and 46	16	Squam Road
21	portion of 57	12	Squam Road
21	43, 44, and a portion of 39	20	Squam Road

3. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-2 (LUG-2) or Limited Use General 3 (LUG-3) district:

Map	Parcel	Number	Street
21	portions of 6 and 42	17	Squam Road
21	45 and 46	16	Squam Road
21	portion of 57	12	Squam Road

4. Placing the following properties, currently located in the Limited Use General-1 (LUG-1) district in the Limited Use General-2 (LUG-2) district:

Map	Parcel	Number	Street
12	29	99	Squam Road
12	30	97	Squam Road
12	31	95	Squam Road
13	1	93	Squam Road
13	2	91	Squam Road
13	3	89	Squam Road
13	4.1	87	Squam Road
13	4.2	85	Squam Road

5. Placing the following properties, currently located in the Limited Use General-1 (LUG-1) district in the Limited Use General-3 (LUG-3) district:

Map	Parcel	Number	Street
13	portion of 36		Squam Road
13	portion of 29	46	Squam Road
13	portion of 41	52	Squam Road
14	portion of 19	81	Wauwinet Road
21	portion of 39	20	Squam Road
21	portion of 120	32	Squam Road
21	portion of 121.1	share 11	Squam Road

21	portion of 121.2	28	Squam Road
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6. Placing the following properties, currently located in the Limited Use General-1 (LUG-1) district in the Limited Use General-2 (LUG-2) or Limited Use General-3 (LUG-3) district:

Map	Parcel	Number	Street
13	14	67	Squam Road
13	15	65	Squam Road
13	16	61	Squam Road
13	17	57	Squam Road
13	17.2	59	Squam Road
13	21		Squam Road
13	23	45	Squam Road
13	24	43	Squam Road
13	25	41	Squam Road
13	26	37	Squam Road
21	1	35	Squam Road
21	2	33	Squam Road
21	3	31	Squam Road
21	5	25	Squam Road
21	portion of 6 and 42	17	Squam Road
21	13	36A	Squam Road

All as shown on a map entitled "Warrant Article 31, MGL 41-81D Master Plan, Zoning Changes: Squam" dated February 2006 filed herewith at the office of the Town Clerk.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to amend the "Zoning Map of Nantucket, Massachusetts" prepared by the GIS Department, dated February 11, 2004 as amended by taking the following actions in regard to property on or near Squam Road between Wauwinet Road and Quidnet Road as follows:

1. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-1 (LUG-1) district:

Map	Parcel	Number	Street
21	7	13	Squam Road
21	8	11	Squam Road
21	9	7	Squam Road
21	10	66	Quidnet Road

2. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-3 (LUG-3) district:

Map	Parcel	Number	Street
21	portions of 6 and 42	17	Squam Road
21	45 and 46	16	Squam Road
21	portion of 57	12	Squam Road
21	43, 44, and a portion of 39	20	Squam Road

3. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-2 (LUG-2) or Limited Use General-3 (LUG-3) district:

Map	Parcel	Number	Street
21	portions of 6 and 42	17	Squam Road
21	45 and 46	16	Squam Road
21	portion of 57	12	Squam Road

4. Placing the following properties, currently located in the Limited Use General-1 (LUG-1) district in the Limited Use General-2 (LUG-2) district:

Map	Parcel	Number	Street
12	29	99	Squam Road
12	30	97	Squam Road
12	31	95	Squam Road
13	1	93	Squam Road
13	2	91	Squam Road
13	3	89	Squam Road
13	4.1	87	Squam Road
13	4.2	85	Squam Road

5. Placing the following properties, currently located in the Limited Use General-1 (LUG-1) district in the Limited Use General-3 (LUG-3) district:

Map	Parcel	Number	Street
13	portion of 36		Squam Road
13	portion of 29	46	Squam Road
13	portion of 41	52	Squam Road
14	portion of 19	81	Wauwinet Road
21	portion of 39	20	Squam Road
21	portion of 120	32	Squam Road
21	portion of 121.1	share 11	Squam Road
21	portion of 121.2	28	Squam Road

6. Placing the following properties, currently located in the Limited Use General-1 (LUG-1) district in the Limited Use General-2 (LUG-2) or Limited Use General-3 (LUG-3) district:

Map	Parcel	Number	Street
13	14	67	Squam Road
13	15	65	Squam Road
13	16	61	Squam Road
13	17	57	Squam Road
13	17.2	59	Squam Road
13	21		Squam Road
13	23	45	Squam Road
13	24	43	Squam Road
13	25	41	Squam Road
13	26	37	Squam Road

21	1	35	Squam Road
21	2	33	Squam Road
21	3	31	Squam Road
21	5	25	Squam Road
21	portion of 6 and 42	17	Squam Road
21	13	36A	Squam Road

ARTICLE 32

(Zoning Map Change: Cliff Road, Crooked Lane, Millbrook Road, Hummock Pond Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions in regard to property between Cliff Road, Crooked Lane, Millbrook Road and Hummock Pond Road as follows:

1. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-1 (LUG-1) district:

Map	Parcel	Number	Street
40	22		Cliff Road
40	23	190	Cliff Road
40	24	188	Cliff Road
41	63	174	Cliff Road
41	64	178	Cliff Road
41	66	182	Cliff Road
41	67	186	Cliff Road
41	68	170	Cliff Road
41	69	166	Cliff Road
41	70	162	Cliff Road
41	71	158	Cliff Road
41	467	17	Wannacomet Rd

2. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-2 (LUG-2) district:

Map	Parcel	Number	Street
40	portion of 26	90	Madaket Road
40	portion of 26.2	85	Millbrook Road
40	26.3	81	Millbrook Road
41	204	29	Crooked Lane
41	205	11	Crooked Lane
41	462	80R	Madaket Road
41	462.1 & 804	82	Madaket Road
41	462.6		Madaket Road
41	462.7	80	Madaket Road
41	463		Hawthorne Lane
41	464	80	Madaket Road
41	465	79	Madaket Road
41	466	5	Wannacomet Rd
41	467.1	9	Wannacomet Rd

41	467.2	15	Wannacomet Rd
41	468 & 536	3	Wannacomet Rd
41	480	21	Crooked Lane
41	532		West Chester Street
41	534	67	Madaket Road
41	535	71	Madaket Road
41	573	2	Wannacomet Road
41	portion of 800	88	Madaket Road
41	portion of 801	86	Madaket Road
41	802		Madaket Road
41	803		Madaket Road
56	1		Hawthorne Lane
56	394	63	Millbrook Road
56	2	14	Burnt Swamp Lane
56	67	101	Hummock Pond Road
56	67.1	5	Millbrook Road
56	67.2	25	Millbrook Road
56	67.4	11	Millbrook Road
56	228	15	Burnt Swamp Lane
56	235 & 241.1	51	Burnt Swamp Lane
56	279	8	Burnt Swamp Lane
56	304	19	Burnt Swamp Lane
56	307	105	Hummock Pond Road
56	portion of 309	95	Hummock Pond Road
56	320	69	Hummock Pond Road
65	320.1	71	Hummock Pond Road
56	323		Hawthorne Lane
56	324	9	Millbrook Road
56	394	63	Millbrook Road
57	5		Millbrook Road

3. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-1 (LUG-1) district or Limited Use General-2 (LUG-2) district:

Map	Parcel	Number	Street
41	72		Crooked Lane
41	200.1	60	Madaket Road
41	459	29	Dukes Road
41	460		Dukes Road
41	461		Dukes Road
41	portion of 462.3	70	Madaket Road
41	portion of 462.8	72	Madaket Road
41	531	51	Crooked Lane
56	186	49	Dukes Road

All as shown on a map entitled "Warrant Article 32, MGL 41-81D Master Plan, Zoning Change: Vicinity of Cliff Road and Hummock Pond Road" dated February 2006 filed herewith at the office of the Town Clerk.
(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to amend the “Zoning Map of Nantucket, Massachusetts” prepared by the GIS Department, dated February 11, 2004 as amended by taking the following actions in regard to property between Cliff Road, Crooked Lane, Millbrook Road and Hummock Pond Road as follows:

1. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-1 (LUG-1) district:

Map	Parcel	Number	Street
40	22		Cliff Road
40	23	190	Cliff Road
40	24	188	Cliff Road
41	63	174	Cliff Road
41	64	178	Cliff Road
41	66	182	Cliff Road
41	67	186	Cliff Road
41	68	170	Cliff Road
41	69	166	Cliff Road
41	70	162	Cliff Road
41	71	158	Cliff Road
41	467	17	Wannacomet Rd

2. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-2 (LUG-2) district:

Map	Parcel	Number	Street
40	portion of 26	90	Madaket Road
40	portion of 26.2	85	Millbrook Road
40	26.3	81	Millbrook Road
41	204	29	Crooked Lane
41	205	11	Crooked Lane
41	462	80R	Madaket Road
41	462.1 & 804	82	Madaket Road
41	462.6		Madaket Road
41	462.7	80	Madaket Road
41	463		Hawthorne Lane
41	464	80	Madaket Road
41	465	79	Madaket Road
41	466	5	Wannacomet Rd
41	467.1	9	Wannacomet Rd
41	467.2	15	Wannacomet Rd
41	468 & 536	3	Wannacomet Rd
41	480	21	Crooked Lane
41	532		West Chester Street
41	534	67	Madaket Road
41	535	71	Madaket Road
41	573	2	Wannacomet Road
41	portion of 800	88	Madaket Road

41	portion of 801	86	Madaket Road
41	802		Madaket Road
41	803		Madaket Road
56	1		Hawthorne Lane
56	394	63	Millbrook Road
56	2	14	Burnt Swamp Lane
56	portion of 67	101	Hummock Pond Road
56	67.1	5	Millbrook Road
56	67.2	25	Millbrook Road
56	67.4	11	Millbrook Road
56	228	15	Burnt Swamp Lane
56	235 & 241.1	51	Burnt Swamp Lane
56	279	8	Burnt Swamp Lane
56	304	19	Burnt Swamp Lane
56	307	105	Hummock Pond Road
56	portion of 309	95	Hummock Pond Road
56	320	69	Hummock Pond Road
65	320.1	71	Hummock Pond Road
56	323		Hawthorne Lane
56	324	9	Millbrook Road
56	394	63	Millbrook Road
57	5		Millbrook Road

3. Placing the following properties, currently located in the Residential-2 (R-2) district in the Limited Use General-1 (LUG-1) district:

Map	Parcel	Number	Street
41	200.1	60	Madaket Road
41	459	29	Dukes Road
41	460		Dukes Road
41	461		Dukes Road
41	portion of 462.3	70	Madaket Road
41	portion of 462.8	72	Madaket Road
41	531	51	Crooked Lane
56	186	49	Dukes Road

All as shown on a map entitled "Warrant Article 32, MGL 41-81D Master Plan, Zoning Change: Vicinity of Cliff Road and Hummock Pond Road" dated February 2006, as amended on March 6, 2006 filed herewith at the office of the Town Clerk.

ARTICLE 33

(Alteration of Town and County Overlay District Map)

To see if the Town will vote to amend the map entitled "Town and County Designations" of the Town of Nantucket by placing properties west of Crooked Lane, south of Madaket Road, west of Winn Street, and north of Hummock Pond Road, currently located in the Town Overlay District, in the Country Overlay District.

All as shown on a map entitled "Warrant Article 33, MGL 41-81D Master Plan, Town and Country District Change: Vicinity of Cliff Road and Hummock Pond Road" dated February 2006 filed herewith at the office of the Town Clerk.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the map entitled "Town and County Designations" of the Town of Nantucket be amended by placing properties west of Crooked Lane, south of Madaket Road, west of Winn Street, and north of Hummock Pond Road, currently located in the Town Overlay District, in the Country Overlay District.

ARTICLE 34

(Zoning Map Change: Miacomet Avenue and Otokomi Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions in regard to property in the vicinity of Miacomet Avenue and Otokomi Road as follows:

1. Placing the Limited Use General-2 (LUG-2) portions of the following properties in the Residential Commercial-2 (RC-2) district:

Map	Parcel	Number	Street
67	195.1	26	Miacomet Avenue
67	195.2	28	Miacomet Avenue
67	195.3	30	Miacomet Avenue
67	195.4	1	Otokomi Road
67	222	63	Surfside Road
67	223.5	65.5	Surfside Road
67	227	22	Miacomet Avenue
67	228	24	Miacomet Avenue
67	488	20.5	Miacomet Avenue
67	555	71	Surfside Road
67	556	73	Surfside Road
67	655	8	Celtic Drive
67	659	5	Celtic Drive

2. Placing the following properties currently located in the Limited Use General (LUG-2) district in the Residential Commercial-2 (RC-2) district:

Map	Parcel	Number	Street
67	195.5	3	Otokomi Road
67	195.6	5	Otokomi Road
67	195.7	7	Otokomi Road
67	195.8	9	Otokomi Road
67	228.1	4	Valley View Drive
67	228.2	3	Valley View Drive
67	228.3	1	Valley View Drive
67	228.4	2	Valley View Drive
67	229	69R	Surfside Road
67	230	69	Surfside Road
67	231	67	Surfside Road
67	232	67	Surfside Road

67	656	10	Celtic Drive
67	657	12	Celtic Drive
67	658	14	Celtic Drive

3. Placing the following properties, zoned both Residential Commercial-2 (RC-2) and Limited Use General-2 (LUG-2), in the Residential-2 (R-2) district:

Map	Parcel	Number	Street
66	126	80	Miacomet Ave
67	83.1	54	Miacomet Ave
67	83.2	44	Miacomet Ave
67	83.3	42	Miacomet Ave
67	83.4	40	Miacomet Ave
67	83.5	38	Miacomet Ave
67	83.6	46	Miacomet Ave
67	83.7	48	Miacomet Ave
67	83.8	50	Miacomet Ave
67	83.9	52	Miacomet Ave
67	350	56	Miacomet Ave
67	351	58	Miacomet Ave
67	352	60	Miacomet Ave
67	353	62	Miacomet Ave
67	354	64	Miacomet Ave
67	355	66	Miacomet Ave
67	356	68	Miacomet Ave

All as shown on a map entitled "Warrant Article 34, MGL 41-81D Master Plan, Zoning Change: Miacomet Avenue/Otokomi Road" dated February 2006 filed herewith at the office of the Town Clerk.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to table the Article until the next available Town Meeting.

ARTICLE 35

(Zoning Map Change: South Shore Road, Blueberry Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Limited Use General-2 (LUG-2) district in the Limited Use General-1 (LUG-1) district:

Map	Lot	Number	Street
67	74	4	South Shore Road
67	337	6	South Shore Road
80	3	2	Beach Plum Ave
80	65	3	Beach Plum Ave
80	66	18	South Shore Road
80	67	4	Beach Plum Ave
80	116	24	South Shore Road
80	178	28	South Shore Road
80	218	20	South Shore Road

80	300	4	Blueberry Lane
80	301	6	Blueberry Lane
80	302	8	Blueberry Lane

All as shown on a map entitled "Warrant Article 35, Zoning Change: South Shore Road/Blueberry Lane, Citizen Request" dated February 2006 filed herewith at the office of the Town Clerk.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to amend the "Zoning Map of Nantucket, Massachusetts" prepared by the GIS Department, dated February 11, 2004 as amended by placing the following properties, currently located in the Limited Use General-2 (LUG-2) district in the Limited Use General-1 (LUG-1) district::

Map	Lot	Number	Street
67	74	4	South Shore Road
67	337	6	South Shore Road
80	3	2	Beach Plum Ave
80	65	3	Beach Plum Ave
80	66	18	South Shore Road
80	67	4	Beach Plum Ave
80	116	24	South Shore Road
80	178	28	South Shore Road
80	218	20	South Shore Road
80	300	4	Blueberry Lane
80	301	6	Blueberry Lane
80	302	8	Blueberry Lane

ARTICLE 36

(Zoning Map Change: Vicinity of Vesper Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions in regard to property in the vicinity of Vesper Lane and Prospect Street:

1. Placing the following properties, currently located in the Residential 1 (R-1) district in the Residential Commercial (RC) district:

Map	Lot	Number	Street
55	3	57	Prospect Street
55	130	61	Prospect Street
55	131	1	Surfside Road
55	132	3	Vesper Lane
55	632		
55	633	5	Surfside Road
55	634	1B	Vesper Lane
55	635	1A	Vesper Lane

2. Placing the following properties, currently located in the Residential 10 (R-10) district in the Residential Commercial (RC) district:

Map	Lot	Number	Street
55	249	10	Vesper Lane

55	250	8	Vesper Lane
55	251	4	Vesper Lane
55	252	2	Vesper Lane
55	253	5	Surfside Road
55	276	part of 20	Vesper Lane

All as shown on a map entitled "Warrant Article 36, Zoning Change: Vesper Lane/Prospect Street, Citizen Request" dated February 2006 filed herewith at the office of the Town Clerk.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to table the Article to the next available Town Meeting.

ARTICLE 37

(Zoning Map Change: Vesper Lane, Roberts Lane,
Somerset Road, Cato Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties, currently located in the Residential-2 (R-2) district in the Residential-10 (R-10) district:

Map	Lot	Number	Street
55	122	19	Cato Lane
55	123	40	Vesper Lane
55	124	42	Vesper Lane
56	20	56	Vesper Lane
56	20.1	54	Vesper Lane
56	21	4	Somerset Road
56	23	8	Somerset Road
56	24	14	Roberts Lane
56	25	12	Roberts Lane
56	26	52	Vesper Lane
56	26.1		Vesper Lane
56	27	50	Vesper Lane
56	28	10	Roberts Lane
56	29	48	Vesper Lane
56	30	46	Vesper Lane
56	31	8	Roberts Lane
56	32	6	Roberts Lane
56	33	44	Vesper Lane
56	34	4	Roberts Lane

All as shown on a map entitled "Warrant Article 37, Zoning Change: Roberts Lane/Vesper Lane, Citizen Request" dated February 2006 filed herewith at the office of the Town Clerk.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved not to adopt the Article.

ARTICLE 38

(Zoning Map Change: Tom Nevers Area)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket as adopted in 1972 and amended by placing the following properties, all currently located in the Limitedd-Use-General-3 Zoning District to the Limited-Use-General-1 Zoning District:

MAP	PARCEL	STREET ADDRESS	LOT SIZE (ACRES)
76 4.1		2 DRISCOLL WY	3.4100
76 4.2		6 DRISCOLL WY	2.8400
76 4.3		10 DRISCOLL WY	2.7800
76.1.4	191	1 ARLINGTON ST	0.1971
76.1.4	198	2 ARLINGTON ST	0.0900
76.1.4	194	ARLINGTON ST	0.1800
76.1.3	62	ARLINGTON ST	0.0900
76.1.3	47	5 ARLINGTON ST.	0.1800
76.1.3	64	6 ARLINGTON ST	0.1400
76.1.3	67	6 ARLINGTON ST	0.1400
76.1.3	52	7 ARLINGTON ST	0.1800
76.1.3	70	8 ARLINGTON ST	0.1800
76.1.3	56	9 ARLINGTON ST	0.1800
76.1.3	74	10 ARLINGTON ST	0.0900
76.1.3	76	12 ARLINGTON ST	0.1800
76.1.3	241	13 ARLINGTON ST	0.1800
76.1.3	305	14 ARLINGTON ST	0.1800
76.1.3	245	15 ARLINGTON ST	0.2300
76.1.3	303	16 ARLINGTON ST	0.0918
76.1.3	250	17 ARLINGTON ST	0.2300
76.1.3	299	18 ARLINGTON ST	0.1800
76.1.3	255	19 ARLINGTON ST	0.2300
76.1.3	295	20 ARLINGTON ST	0.1800
76.1.3	260	21 ARLINGTON ST	0.2300
76.1.3	290	22 ARLINGTON ST	0.2300
76.1.3	265	23 ARLINGTON ST	0.3673
76.1.3	285	24 ARLINGTON ST	0.2300
76.1.3	281	26 ARLINGTON ST	0.1800
76.1.3	198	27 ARLINGTON ST	0.3673
76.1.3	279	28 ARLINGTON ST	0.0900
76.1.3	274	30 ARLINGTON ST	0.1837
76.1.3	277	30 ARLINGTON ST	0.0900
76	65	32 ARLINGTON ST	0.1800
76.1.4	188	2 BERKLEY ST	0.0800
76.1.4	184	4 BERKLEY ST	0.1800
76.1.3	43	6 BERKLEY ST	0.5100
76.1.3	18	9 BERKLEY ST	1.3800
76.1.3	38	10 BERKLEY ST	0.2300
76.1.3	13	11 BERKLEY ST	0.4600
76.1.3	33	12 BERKLEY ST	0.3200
76.1.3	233	14 BERKLEY ST	0.3700
76.1.3	152	15 BERKLEY ST	0.1800
76.1.3	224	16 BERKLEY ST	0.4100
76.1.3	164	17 BERKLEY ST	0.3200
76.1.3	171	19 BERKLEY ST	0.2300
76.1.3	219	20 BERKLEY ST	0.2300

76.1.3	176	21 BERKLEY ST	0.2300
76.1.3	214	22 BERKLEY ST	0.2300
76.1.3	181	23 BERKLEY ST	0.2300
76.1.3	209	24 BERKLEY ST	0.2300
76.1.3	205	26 BERKLEY ST	0.1800
76.1.3	194	27 BERKLEY ST	0.1800
76.1.3	201	28 BERKLEY ST	0.1800
76.1.3	188	BERKLEY ST	0.0900
76.1.4	149	2 CLARENDON ST	0.9898
76.1.3	154	14 CLARENDON ST	0.3700
76.1.3	145	16 CLARENDON ST	0.2800
76.1.3	92	17 CLARENDON ST	0.3700
76.1.3	139	18 CLARENDON ST	0.2800
76.1.3	100	19 CLARENDON ST	0.2800
76.1.3	134	20 CLARENDON ST	0.2300
76.1.3	106	21 CLARENDON ST	0.2800
76.1.3	129	22 CLARENDON ST	0.2300
76.1.3	112	23 CLARENDON ST	0.2300
76.1.3	125	24 CLARENDON ST	0.2755
76.4.2	415	25 CLARENDON ST	0.2300
76.1.3	121	26 CLARENDON ST	0.3673
76.4.2	420	27 CLARENDON ST	0.0500
76.1.3	117	28 CLARENDON ST	0.1800
76.1.4	104	2 DARTMOUTH ST	0.3900
76.1.4	41	3 DARTMOUTH ST	0.1720
76.1.3	1	4 DARTMOUTH ST	2.8500
76.1.3	84	22 DARTMOUTH ST	0.3700
76.4.2	352	23 DARTMOUTH ST	0.2300
76.1.3	80	24 DARTMOUTH ST	0.1800
76.4.2	410	26 DARTMOUTH ST	0.2300
76.4.2	363	27 DARTMOUTH ST	0.2300
76.4.2	405	28 DARTMOUTH ST	0.2300
76.4.2	401	30 DARTMOUTH ST	0.1800
76.4.2	373	31 DARTMOUTH ST	0.2300
76.4.2	396	32 DARTMOUTH ST	0.2300
76.4.2	378	33 DARTMOUTH ST	0.2300
76.4.2	391	34 DARTMOUTH ST	0.4600
76.4.2	304	35 DARTMOUTH ST	0.3700
76.4.2	387	36 DARTMOUTH ST	0.3600
76.1.4	29	2 EXETER ST	0.8379
76.1.4	18	6 EXETER ST	1.0101
76.4.1	410	15 EXETER ST	3.0800
76.4.1	486	19 EXETER ST	0.1800
76.1.4	16	20 EXETER ST	1.8400
76.4.2	245	21 EXETER ST	1.9300
76.4.2	339	22 EXETER ST	0.4600
76.4.2	323	24 EXETER ST	1.0100
76.4.2	285	31 EXETER ST	0.6436
76.4.2	318	32 EXETER ST	0.4591
76.4.2	290	33 EXETER ST	0.2300
76.4.2	313	34 EXETER ST	0.2300
76.4.2	308	36 EXETER ST	0.2300
76.4.2	226	37 EXETER ST	0.3700

76.1.4	7	2 FAIRFIELD ST	0.9900
76.4.1	370	5 FAIRFIELD ST	0.1800
76.4.1	374	7 FAIRFIELD ST	0.1800
76.4.1	510	23 FAIRFIELD ST	0.1800
76.4.2	235	34 FAIRFIELD ST	0.2300
76.4.2	216	35 FAIRFIELD ST	0.4600
76.4.2	230	36 FAIRFIELD ST	0.4591
71.3.2	337	1 GLOUCESTER ST	0.2200
71.3.2	351	2 GLOUCESTER ST	1.1610
71.3.2	341	3 GLOUCESTER ST	0.1800
71.3.2	345	5 GLOUCESTER ST	0.1800
71.3.2	349	7 GLOUCESTER ST	0.1800
76.4.1	356	8 GLOUCESTER ST	0.1800
76.4.1	352	10 GLOUCESTER ST	0.3673
76.4.1	330	18 GLOUCESTER ST	1.8400
76.4.1	320	22 GLOUCESTER ST	0.4600
76.4.1	516	24 GLOUCESTER ST	0.2300
76.4.2	177	28 GLOUCESTER ST	1.4300
76.4.2	206	32 GLOUCESTER ST	0.4600
76.4.2	167	34 GLOUCESTER ST	0.4600
76.4.2	157	36 GLOUCESTER ST	0.4600
71.3.2	314	1 HUNTINGTON ST	0.2100
71.3.2	331	2 HUNTINGTON ST	0.2300
71.3.2	310	3 HUNTINGTON ST	0.1800
71.3.2	326	4 HUNTINGTON ST	0.2300
71.3.2	306	5 HUNTINGTON ST	0.1800
71.3.2	322	6 HUNTINGTON ST	0.1800
71.3.2	300	7 HUNTINGTON ST	0.1800
71.3.2	318	8 HUNTINGTON ST	0.1800
71.3.2	296	9 HUNTINGTON ST	0.1800
76.4.1	238	18 HUNTINGTON ST	3.7000
76.4.2	97	30 HUNTINGTON ST	3.7000
71.3.2	30	34 HUNTINGTON ST	0.0900
71.3.2	3	36 HUNTINGTON ST	0.0500
71.3.2	182	1 DEVON ST	0.1800
71.3.2	238	2 DEVON ST	0.1812
71.3.2	234	4 DEVON ST	0.1800
71.3.2	220	6 DEVON ST	1.1000
71.3.2	216	12 DEVON ST	0.1800
71.3.2	212	14 DEVON ST	0.1800
76.4.1	610	29 DEVON ST	1.9300
76.4.2	1	30 DEVON ST	3.7000
76.4.3	78	45 DEVON ST	0.2300
76.4.3	83	47 DEVON ST	0.2300
71.3.2	242	DEVON ST	0.0400
71.3.2	266	1 IPSWICH ST	0.2419
71.3.2	293	2 IPSWICH ST	0.1370
71.3.2	285	4 IPSWICH ST	0.3673
71.3.2	255	5 IPSWICH ST	0.1837
71.3.2	279	6 IPSWICH ST	0.1800
71.3.2	275	8 IPSWICH ST	0.1800
71.3.2	247	9 IPSWICH ST	0.1800
71.3.2	271	10 IPSWICH ST	0.1800

71.3.2	243	11 IPSWICH ST	0.1800
76.4.1	162	12 IPSWICH ST	3.7000
76.4.2	45	16 IPSWICH ST	3.7000
76.4.1	94	17 IPSWICH ST	3.7000
71.3.2	265	IPSWICH ST	0.0500
71.3.2	283	IPSWICH ST	0.0900
71.3.1	53	1 CORNWALL ST	0.0800
71.3.1	54	1 CORNWALL ST	0.0900
71.3.1	64	2 CORNWALL ST	0.2977
71.3.1	56	3 CORNWALL ST	0.1800
71.3.1	60	5 CORNWALL ST	0.1800
71.3.2	9	7 CORNWALL ST	2.7548
71.3.2	68	20 CORNWALL ST	0.1837
71.3.2	64	21 CORNWALL ST	0.1800
71.3.2	365	23 CORNWALL ST	3.7000
76.4.3	13	27 CORNWALL ST	3.7000
76.4.3	31	28 CORNWALL ST	3.7000
71.3.2	172	2 KENDRICK ST	0.4900
71.3.2	97	3 KENDRICK ST	0.5510
71.3.2	168	4 KENDRICK ST	0.1800
71.3.2	164	6 KENDRICK ST	0.1800
71.3.2	72	9 KENDRICK ST	2.1200
71.3.2	134	15 KENDRICK ST	0.1800
71.3.2	138	17 KENDRICK ST	0.1837
71.3.2	146	20 KENDRICK ST	1.8400
76.4.1	1	21 KENDRICK ST	3.7000
71.3.2	142	22 KENDRICK ST	0.3700
71.3.2	401	26 KENDRICK ST	3.7000
76.4.1	605	44 KENDRICK ST	0.4591
76.4.3	66	56 KENDRICK ST	0.2300
76.4.3	61	58 KENDRICK ST	0.2300
76.4.3	57	60 KENDRICK ST	0.3600
71.3.1	47	2 MARION ST	0.1800
71.3.1	20	3 MARION ST	0.1800
71.3.1	40	4 MARION ST	0.3214
71.3.3	69	23 MARION ST	0.2800
71.3.3	75	24 MARION ST	0.2300
71.3.1	51	MARION ST	0.1000
71.3.4	1	1 NORWOOD ST	0.4015
71.3.1	1	4 NORWOOD ST	0.4132
71.3.3	32	14 NORWOOD ST	3.2700
71.3.3	26	26 NORWOOD ST	0.2800
71.3.3	1	27 NORWOOD ST	0.1800
71.3.3	109	28 NORWOOD ST	3.7000
76.4.3	3	30 NORWOOD ST	3.7000
76.4.3	1	33 NORWOOD ST	1.8400

(Charles G. Kymer, et al)

PLANNING BOARD MOTION: Moved to table the Article to the next Annual Town Meeting.

ARTICLE 39

(Zoning Map Change: Fairgrounds Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket as adopted in 1972 and amended by placing the following properties, all currently located in the Limitedd-Use-General-2 Zoning District to the Residential-2 Zoning District

Assessors Map	Parcel	Address
67	493	62 Fairgrounds Road
67	492	64 Fairgrounds Road
67	491	66 Fairgrounds Road
67	490	68 Fairgrounds Road
67	171	70 Fairgrounds Road

(Francis Hanlon, et al)

PLANNING BOARD MOTION: Moved to amend the “Zoning Map of Nantucket, Massachusetts” prepared by the GIS Department, dated February 11, 2004 as amended by placing the following properties, all currently located in the Limited Use General-2 Zoning District to the Residential-2 Zoning District:

Assessors Map	Parcel	Address
67	493	62 Fairgrounds Road
67	492	64 Fairgrounds Road
67	491	66 Fairgrounds Road
67	490	68 Fairgrounds Road
67	171	70 Fairgrounds Road

ARTICLE 40

(Zoning Bylaw Amendment: Major Commercial Developments)

To see if the Town will vote to amend Section 139-11K of the Nantucket Zoning bylaw (Major Commercial Development MCD) as follows:

Amend Section 139-11K(2) to postpone the “sunset” date by deleting “2006” and replacing it with “2008”.

(Grant Sanders, et al)

PLANNING BOARD MOTION: Moved not to adopt the Article.

ARTICLE 41

(Zoning Bylaw Amendment: Major Commercial Development)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-11K to read as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

K. Cap on retail MCD's.

(1) Except in the following approved area plan location: Mid-Island Planned Overlay District (MIPOD), a A Special Permit shall not be granted for:

- (a) A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.
- (b) Expansion of an existing commercial development whenever the Expanded portion of the development, added together starting from the effective date of this §139-11K, is devoted

primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(Board of Selectmen for Planning Board for the MCD Workgroup)

PLANNING BOARD MOTION: Moved to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-11K to read as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

K. Cap on retail MCD's.

(1) **Except in the following approved area plan location: Mid-Island Planned Overlay District (MIPOD), a** A Special Permit shall not be granted for:

1. **A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.**
2. **Expansion of an existing commercial development whenever the Expanded portion of the development, added together starting from the effective date of this §139-11K, is devoted primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.**

~~(2) The provisions of this §139-11K shall expire on December 31, 2006, unless extended by vote of the Town Meeting.~~

ARTICLE 42

(Zoning Bylaw Amendment: Formula Business Overlay District)

Part 1: To see if the Town will vote to amend the zoning bylaw as follows:

Amend 139-2 Definitions and Word Usage by adding:

Formula Business - A type of retail sales establishment, restaurant, tavern, bar, or take-out food establishment which along with 14 or more other establishments maintains two or more of the following features:

- (1) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
- (2) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of store design.
- (3) Standardized interior décor including but not limited to style of furniture, wall-coverings or permanent fixtures.
- (4) Standardized color scheme used throughout the interior or exterior of the establishment.
- (5) Standardized uniform including but not limited to aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags).

Amend 139-3E Districts Enumerated by adding:

Formula Business Overlay District (FBOD)

Amend 139-9 A. 1 as follows:

Retail sales, including on premises light manufacturing or fabrication clearly ancillary to the retail sales, except for Formula Business within the FBOD.

Amend 139-9 A. 4 as follows:

Restaurants, except for Formula Business within the FBOD.

Amend 139-10 B. 2 as follows:

Retail sales and personal services, except for Formula Business within the FBOD.

Amend 139-10 B. 4 as follows:

Restaurants, hotels, motels and inns, except for Formula Business within the FBOD.

Add 139-12H in Overlay Districts by adding:

H. Formula Business Overlay District (FBOD)

Statement of purpose. The purpose and intent of the Formula Business Overlay District (FBOD) is to address the adverse impact of nationwide, standardized businesses on Nantucket's historic downtown area. The proliferation of formula businesses will have a negative impact on the island's economy, historical relevance, and unique character. These uses are therefore prohibited in order to maintain a unique retail and dining experience. Formula businesses frustrate this goal by detracting from the overall historic island experience and threatening its tourist economy.

Part 2: And to amend the bylaws of the Town of Nantucket to allow for an administrative review process for retail licensing.

(Wendy Hudson, et al)

PLANNING BOARD MOTION: Moved to amend the Zoning Bylaw as follows:

Amend 139-2 Definitions and Word Usage by adding:

Formula Business - A type of retail sales establishment, restaurant, tavern, bar, or take-out food establishment which ~~along with~~ is under common ownership or control or is a franchise, and is 1 of 14 or more other businesses or establishments worldwide ~~maintains~~ maintaining ~~two~~ three or more of the following features:

- (1) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
- (2) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or of designs that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of store design.

- ~~(3) Standardized interior décor including but not limited to style of furniture, wall coverings or permanent fixtures.~~
- (3) Standardized color scheme used throughout the interior or exterior of the establishment.
- (4) Standardized uniform including but not limited to aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags).

Amend 139-3E Districts Enumerated by adding:

Formula Business Overlay ~~Exclusion~~ District (FBOD FBED)

Amend 139-9 A. 1 as follows:

Retail sales, including on premises light manufacturing or fabrication clearly ancillary to the retail sales, except for Formula Business within the FBOD FBED.

Amend 139-9 A. 4 as follows:

Restaurants, except for Formula Business within the FBOD FBED.

Amend 139-10 B. 2 as follows:

Retail sales and personal services, except for Formula Business within the FBOD FBED.

Amend 139-10 B. 4 as follows:

Restaurants, hotels, motels and inns, except for Formula Business within the FBOD FBED.

Add 139-12H in Overlay Districts by adding:

H. Formula Business Overlay ~~Exclusion~~ District (FBOD) FBED

(1) The Formula Business Exclusion District (FBED) is located and bounded as shown on the map entitled "Article 42: Proposed Formula Business Exclusion District" prepared by the GIS Department, dated March 2006.

(2) Statement of purpose. The purpose and intent of the Formula Business Overlay ~~Exclusion~~ District (FBOD FBED) is to address the adverse impact of nationwide, standardized businesses on Nantucket's historic downtown area. The proliferation of formula businesses will have a negative impact on the island's ~~economy~~ economy, historical relevance, and unique character and economic vitality. These uses are therefore prohibited in order to maintain a unique retail and dining experience. Formula businesses frustrate this goal by detracting from the overall historic island experience and threatening its tourist economy.

Part 2: ~~And to amend the bylaws of the Town of Nantucket to allow for an administrative review process for retail licensing.~~

ARTICLE 43

(Zoning Bylaw Amendment: Adult Use)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 23J(13), "Additional requirements for adult uses", by altering any of the "minimum separation" distances as shown:

- (c) A minimum separation, measured between lot lines, is required between adult uses and the following uses or areas:

Use/Area	Minimum Separation (feet)
R-1, ROH, R-10, R-2, or any LUG Zoning District	300
Single-, two-family, duplex or multifamily dwelling unit	300
State-certified public or private school	1,500
State-licensed day-care center	1,000
Religious institution	1,000
Public library	1,000
Land owned or managed by a public or private entity for open space or recreational purposes	300
Other adult uses	1,000

(Board of Selectmen for Town Clerk)

PLANNING BOARD MOTION: Moved to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 23J(13), "Additional requirements for adult uses", by altering any of the "minimum separation" distances as shown:

- (c) A minimum separation, measured between lot lines, is required between adult uses and the following uses or areas:

Use/Area	Minimum Separation (feet)
R-1, ROH, R-10, R-2, or any LUG Zoning District	300
Single-, two-family, duplex or multifamily dwelling unit	300
State-certified public or private school	1,500 300
State-licensed day-care center	1,000 300
Religious institution	1,000
Public library	1,000
Land owned or managed by a public or private entity for open space or recreational purposes	300
Other adult uses	1,000 500

ARTICLE 44

(Zoning Bylaw Amendment: Rate of Development)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket in regard to the elimination of the Rate of Development bylaw (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

1. Section 24, "Rate of Development":

Phased development.

- (1) ~~Building permits for the construction of dwellings on lots which were held in common ownership on April 15, 1981, shall not be granted at a rate per annum greater than allowed by the following schedule for each calendar year (commencing with the calendar year during which the first plan showing such lots as separate was or is endorsed under the Subdivision Control Law~~ **Editor's Note: See MGL c. 41, § 81K et seq.** ~~or the calendar year 1981, whichever is later):~~
 - (a) ~~For a parcel of 10 or more such lots held in common ownership, if such first plan was endorsed prior to April 9, 1985, not more than 1/10 of the number of lots into which such parcel of land could have been divided in conformity with applicable zoning requirements.~~
 - (b) ~~For a parcel of 10 or more such lots held in common ownership, if such first plan was endorsed on or after April 9, 1985, not more than 1/10 of the actual number of lots into which such parcel of land has been divided.~~
 - (c) ~~For a parcel of fewer than 10 lots held in common ownership, not more than one lot per calendar year.~~
 - (d) ~~If the number of lots in a parcel, for which building permits have actually been issued throughout a calendar year, is less than allowed by such schedule, the unused allowance shall be carried forward for issuance in any subsequent year.~~
 - (e) ~~For any special permit for cluster developments approved by the Planning Board after November 15, 1990, building permits shall be issued at a rate of not more than 1/5 the total number of lots under which the parcel of land has been divided in each calendar year.~~ **[Added 11-13-1990 STM by Art. 19, AG approval 3-19-1991]**
 - (f) ~~For any major residential development approved by the Planning Board, building permits shall be issued at a rate of not more than 1/3 the total number of lots under which the parcel of land has been divided in each calendar year.~~ **[Added 4-12-1994 ATM by Art. 48, AG approval 4-29-1994]**
- (2) ~~Lots can be sold at any time; provided, however, that any recorded or registered deed conveying fewer than all of the remaining lots subject to this § 139-24A shall contain a designation of the earliest calendar year in which a building permit may be issued for each such lot. Failure to include such designation in any deed shall not affect the deed's validity. However, eligibility for a building permit of land conveyed by any such deed shall be determined, for purposes of this § 139-24A, by priority evidenced by any deeds including such a designation and then in the order of applications for building permits.~~
- (3) ~~Exception for Nantucket domiciliaries.~~
 - (a) ~~The provisions of this § 139-24A shall not apply to a building permit for a single or two family dwelling if issued to a natural person who is or is about to become domiciled in Nantucket if:~~
 - [1] ~~That person executes a covenant running with the land and in favor of the Town for a period of five years starting the date of issuance of an occupancy permit for the dwelling.~~
 - [2] ~~The covenant shall provide that the dwelling shall be used only as the year-round residence of a Nantucket resident and not offered for seasonal rental for so long as the covenant is in effect.~~

- ~~[3] No such covenant may be utilized in order to secure a building permit if any preexisting dwelling remains on the lot or an owner of the lot has previously signed a similar covenant under any provision of this chapter, which covenant is still in effect.~~
- ~~(b) Any such covenant for a lot shall be subject to, and subordinate to the rights of the holder of any mortgage (or to the rights of any person claiming title to the lot by, through or under the holder of any mortgage) except for a mortgage to, or at any time held by, a former owner of such lot.~~
- ~~(c) Relief from the terms of a covenant referred to in this § 139-24 may be granted by the Board of Appeals through the issuance of a special permit after making a finding that strict conformance with said covenant would impose an unreasonable personal or financial hardship on the owner of the dwelling by reason of divorce, loss of employment, bankruptcy, loss of life, severe sickness or such other personal or financial hardship as the Board of Appeals may, from time to time, determine to be severe enough to warrant such relief. Persons granted such relief shall not be permitted to execute another covenant pursuant to this § 139-24 for the unexpired period of the existing covenant.~~

~~B Release of covenants:~~

- ~~(1) Covenants executed by persons to obtain a building permit for a dwelling as their Nantucket domicile during the five-year building "cap," introduced to the Zoning Bylaw by 1981 ATM Article 14 and now expired, shall be released at any time upon application to the Zoning Enforcement Officer by the current owner of the lot on which the dwelling was or was to be built. [Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]~~
- ~~(2) Covenants executed pursuant to § 139-24A above shall likewise be released after they have expired pursuant to their terms, and also upon application by the current owner of the lot upon proof that construction of a dwelling pursuant to the covenant has not been commenced and that no still valid building permit has been issued for such dwelling.~~
- ~~(3) The Zoning Enforcement Officer, to make of record the release of a covenant pursuant to this § 139-24B, shall execute, acknowledge and deliver to such owner a statement of termination of such covenant in form suitable for recording or registration. Upon the recording or registration of such statement, that covenant shall be of no further force or effect and shall cease to burden such lot. Editor's Note: Former Subsection C, Interim growth rate, added 4-14-1997 ATM by Art. 39, AG approval 8-5-1997, as amended, which immediately followed this subsection, was repealed 10-10-2001 STM by Art. 4. [Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]~~

2. Section 7B(4), "Cluster bonuses":

- ~~(e) Cluster subdivisions shall be governed by the provisions contained at § 139-24A(1)(e) regarding exceptions for cluster developments.~~

3. Section 7F(6)(b), "Development schedule":

- ~~(b) Regarding the development schedule for an approved MRD development, see § 139-24A(1)(f).~~

4. Section 7I, "Mixed Income Residential Development (MIRD) Special Permit":

- ~~(13) Market rate lots on the MIRD Plan shall be subject to any provisions of § 139-24A (phased development) that may apply to the original lots. Affordable lots shall be exempt from such provisions~~

and to re-number the remaining 14 through 18 as 13 through 17.

5. Article IV, Page 139:1: Delete section 139-24 Rate of development.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text*):

1. Section 24, "Rate of Development":

A. ~~Phased development.~~

~~(1) Building permits for the construction of dwellings on lots which were held in common ownership on April 15, 1981, shall not be granted at a rate per annum greater than allowed by the following schedule for each calendar year (commencing with the calendar year during which the first plan showing such lots as separate was or is endorsed under the Subdivision Control Law~~ **Editor's Note: See MGL c. 41, § 81K et seq.** ~~or the calendar year 1981, whichever is later):~~

- ~~(a) For a parcel of 10 or more such lots held in common ownership, if such first plan was endorsed prior to April 9, 1985, not more than 1/10 of the number of lots into which such parcel of land could have been divided in conformity with applicable zoning requirements.~~
- ~~(b) For a parcel of 10 or more such lots held in common ownership, if such first plan was endorsed on or after April 9, 1985, not more than 1/10 of the actual number of lots into which such parcel of land has been divided.~~
- ~~(c) For a parcel of fewer than 10 lots held in common ownership, not more than one lot per calendar year.~~
- ~~(d) If the number of lots in a parcel, for which building permits have actually been issued throughout a calendar year, is less than allowed by such schedule, the unused allowance shall be carried forward for issuance in any subsequent year.~~
- ~~(e) For any special permit for cluster developments approved by the Planning Board after November 15, 1990, building permits shall be issued at a rate of not more than 1/5 the total number of lots under which the parcel of land has been divided in each calendar year. [Added 11-13-1990 STM by Art. 19, AG approval 3-19-1991]~~
- ~~(f) For any major residential development approved by the Planning Board, building permits shall be issued at a rate of not more than 1/3 the total number of lots under which the parcel of land has been divided in each calendar year. [Added 4-12-1994 ATM by Art. 48, AG approval 4-29-1994]~~
- ~~(2) Lots can be sold at any time; provided, however, that any recorded or registered deed conveying fewer than all of the remaining lots subject to this § 139-24A shall contain a designation of the earliest calendar year in which a building permit may be issued for each such lot. Failure to include such designation in any deed shall not affect the deed's validity. However, eligibility for a building permit of land conveyed by any such deed shall be determined, for purposes of this § 139-24A, by priority evidenced by any deeds including such a designation and then in the order of applications for building permits.~~
- ~~(3) Exception for Nantucket domiciliaries.~~
 - ~~(a) The provisions of this § 139-24A shall not apply to a building permit for a single or two-family dwelling if issued to a natural person who is or is about to become domiciled in Nantucket if:
 - ~~[1] That person executes a covenant running with the land and in favor of the Town for a period of five years starting the date of issuance of an occupancy permit for the dwelling.~~
 - ~~[2] The covenant shall provide that the dwelling shall be used only as the year-round residence of a Nantucket resident and not offered for seasonal rental for so long as the covenant is in effect.~~
 - ~~[3] No such covenant may be utilized in order to secure a building permit if any preexisting dwelling remains on the lot or an owner of the lot has previously signed a similar covenant under any provision of this chapter, which covenant is still in effect.~~~~

~~(b) Any such covenant for a lot shall be subject to, and subordinate to the rights of the holder of any mortgage (or to the rights of any person claiming title to the lot by, through or under the holder of any mortgage) except for a mortgage to, or at any time held by, a former owner of such lot.~~

(e) Move the following to § 139-29E(1) Board of Appeals Powers

(g) To grant Relief by special permit from the terms of a phased development covenant formerly referred to in this former § 139-24 (deleted as of April 2006) may be granted by the Board of Appeals through the issuance of a special permit after making a finding that strict conformance with said covenant would impose an unreasonable personal or financial hardship on the owner of the dwelling by reason of divorce, loss of employment, bankruptcy, loss of life, severe sickness or such other personal or financial hardship as the Board of Appeals may, from time to time, determine to be severe enough to warrant such relief. Persons granted such relief shall not be permitted to execute another covenant pursuant to this § 139-24 for the unexpired period of the existing covenant.

B Move to § 139-25

~~(1) Covenants executed by persons to obtain a building permit for a dwelling as their Nantucket domicile during the five-year building "cap," introduced to the Zoning Bylaw by 1981 ATM Article 14 and now expired, shall be released at any time upon application to the Zoning Enforcement Officer by the current owner of the lot on which the dwelling was or was to be built. [Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]~~

~~(2) Covenants executed pursuant to § 139-24A above shall likewise be released after they have expired pursuant to their terms, and also upon application by the current owner of the lot upon proof that construction of a dwelling pursuant to the covenant has not been commenced and that no still-valid building permit has been issued for such dwelling.~~

(3) E. Release of Phased Development Covenants

The Zoning Enforcement Officer, shall to make of record the release of a any covenant pursuant to this former § 139-24B (deleted as of April 2006) or any other covenant related to building caps. He/She shall execute, acknowledge and deliver to such owner a statement of termination of such covenant in form suitable for recording or registration. Upon the recording or registration of such statement, that covenant shall be of no further force or effect and shall cease to burden such lot. **Editor's Note: Former Subsection C, Interim growth rate, added 4-14-1997 ATM by Art. 39, AG approval 8-5-1997, as amended, which immediately followed this subsection, was repealed 10-10-2001 STM by Art. 4. [Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]**

2. Section 7B(4), "Cluster bonuses":

~~(e) Cluster subdivisions shall be governed by the provisions contained at § 139-24A(1)(e) regarding exceptions for cluster developments.~~

3. Section 7F(6)(b), "Development schedule":

~~(b) Regarding the development schedule for an approved MRD development, see § 139-24A(1)(f).~~

4. Section 7I, "Mixed Income Residential Development (MIRD) Special Permit":

~~Market rate lots on the MIRD Plan shall be subject to any provisions of § 139-24A (phased development) that may apply to the original lots. Affordable lots shall be exempt from such provisions~~

and to re-number the remaining 14 through 18 as 13 through 17.

5. Article IV, Page 139:1: Delete section 139-24 Rate of development.

ARTICLE 45

(Zoning Bylaw Amendment: Permitted Uses)

To see if the Town would vote to amend Zoning By-law Section 139-7A(7) as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

- (7) Municipal airports, municipal landfill/materials recovery/solid waste composting facility, sewage treatment plants, water towers, standpipes and other such uses as public wells and pumping facilities. Such uses may provide an ancillary single-family and secondary dwelling or a duplex dwelling unit used for employees of such facilities on each lot.

This change in the By-law would allow employee housing to support municipal services on the same site as the municipal use. It would allow duplex dwelling units to be constructed within the Limited Use General Districts.

(Jeffrey Willett, et al)

PLANNING BOARD MOTION: Moved to amend Zoning Bylaw Section 139-7A(7) as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

- (7) Municipal airports, municipal landfill/materials recovery/solid waste composting facility, sewage treatment plants, water towers, standpipes and other such uses as public wells and pumping facilities. Such uses may provide an ancillary single-family and secondary dwelling or a duplex dwelling unit used for employees of such facilities on each lot.

ARTICLE 46

(Zoning Bylaw Amendment: Duplex Ownership)

To see if the Town would vote to amend Zoning by-law Section 139-8A(1)(d)

Which states:

- (d) Duplexes in the R-10 District shall have a Nantucket Housing Needs Covenant executed for one unit if separate ownership from the other unit is permitted.

By striking it in its entirety.

This change in the By-law would allow duplexes in the R-10 District to be placed into separate condominium ownership, which is allowed as a matter of right in neighboring RC and RC-2 Districts.

(Linda F. Williams, et al)

PLANNING BOARD MOTION: Moved to amend Zoning Bylaw Section 139-8A(1)(d) by striking it in its entirety.

ARTICLE 47

(Zoning Bylaw Amendment: Setback Requirement)

To see if the Town would vote to amend Zoning By-law Section 139-16(A)(Intensity regulations) by changing the front yard setback requirement for the "RC-2" District from twenty (20) to ten (10) feet.

This change in the bylaw would reduce the front yard setback in mixed use commercial zone allowing buildings to be closer to the street in furtherance of sound overall planning and historic development objectives. This reduces the probability of front yards being used for parking, increases private backyard space and is consistent with historic building placement on smaller lots in the Town Overlay District. In the RC District, which is similar in character to the RC-2 District, the front yard setback requirement is zero and in the R-1 district the front yard setback is ten feet.

(Linda F. Williams, et al)

PLANNING BOARD MOTION: Moved to amend Zoning Bylaw Section 139-16(A)(Intensity regulations) by changing the front yard setback requirement for the "RC-2" District from twenty (20) to ten (10) feet.

ARTICLE 48

(Zoning Bylaw Amendment: Flood Zone Updates)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 12A(3)(a), "Flood Hazard District FHD", as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

- (a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently ~~780 CMR 2102.0~~ **780 CMR 3107.0**, "Flood Resistant Construction");

(Board of Selectmen)

PLANNING BOARD MOTION: Moved to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 12A(3)(a), "Flood Hazard District FHD", as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

- (a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently ~~780 CMR 2102.0~~ **780 CMR 3107.0**, "Flood Resistant Construction");

ARTICLE 49

(Zoning Bylaw Amendment: Public Wellhead Recharge District)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 12B(2)(e), "Public Wellhead Recharge District Prohibited Uses", as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

- (e) **Commercial** ~~W~~washing, painting, repair or other servicing of motorized vehicles in garages or in the open.

(Board of Selectmen)

PLANNING BOARD MOTION: Moved to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 12B(2)(e), "Public Wellhead Recharge District Prohibited Uses", as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

- (e) **Commercial** ~~W~~washing, painting, repair or other servicing of motorized vehicles in garages or in the open.

ARTICLE 50

(Zoning Bylaw Amendment: Enforcement, remedies, penalties)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 25C and D, "Enforcement, remedies, penalties", as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

C. Penalty

(1) Any person violating any of the provisions of this chapter may be fined not more than \$1~~3~~00 per violation, provided that each day such violation continues, shall constitute a separate offense.
(The remainder of this section remains unchanged).

~~D. The Superior Court shall have jurisdiction to enforce the provisions of this chapter and may restrain, by injunction, violations, thereof.~~ Any Massachusetts state court of competent jurisdiction may enforce the provisions of this chapter and may restrain, by injunction, violations thereof.

(Board of Selectmen)

PLANNING BOARD MOTION: Moved to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 25C and D, "Enforcement, remedies, penalties", as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

C. Penalty

(1) Any person violating any of the provisions of this chapter may be fined not more than \$1~~3~~00 per violation, provided that each day such violation continues, shall constitute a separate offense.
(The remainder of this section remains unchanged).

~~D. The Superior Court shall have jurisdiction to enforce the provisions of this chapter and may restrain, by injunction, violations, thereof.~~ Any Massachusetts state court of competent jurisdiction may enforce the provisions of this chapter and may restrain, by injunction, violations thereof.

ARTICLE 51

(Sewer Districts: Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), sections 41-3A (Town Sewer District) and 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket Sewer District Map by adding the following parcel(s) to the respective maps:

Town Sewer District:

Map/Parcel	Address
41-214	17 Pilgrim Rd
41-213	21 Pilgrim Rd
41-98	25 Pilgrim Rd
41-94	24 Pilgrim Rd
56-211	75 Milk St
56-210	73 Milk St
56-210.1	71 Milk St
56-194.1	69 Milk St
56-194	67 Milk St
56-337	28 Friendship Ln
56-349	27 Friendship Ln

56-350	29 Friendship Ln
67-156	25 Rugged Road
68-456	13 Milestone Crossing
54-181	16 Polpis Rd
54-180	18 Polpis Rd
54-179	20 Polpis Rd
54-178	22 Polpis Rd
41-337	106 West Chester
54-153	17 Berkley Ave

Siasconset Sewer District:

Map/Parcel	Address
73.4.1-25	21 Burnell St
73-2	24 Burnell St
73-2.1	22 Burnell St
49.3.2-1.5	79 Burnell St
49-76.2	52 Sankaty Rd
49-77.1	4 Eldridge Ln

And, to take any further action as may be relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), sections 41-3A (Town Sewer District) and 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket Sewer District Map are hereby amended as follows:

§41.3. Sewer districts.

A. Town Sewer District: an area outlined in blue on a map entitled "Comprehensive Wastewater Management Plan, (Proposed) TOWN SEWER DISTRICT," ... dated March, 2004, or as shown in an additional area outlined in blue on a supplemental map entitled "~~Article 14, October 19, 2004 Special Article 51, 2006 Annual Town Meeting Additions to the Town Sewer District dated as of September 15, 2004, March 7, 2006, Nantucket, Massachusetts,~~"...

B. Siasconset Sewer District: an area outlined in blue on a map entitled "Comprehensive Wastewater Management Plan, (Proposed) SIASCONSET SEWER DISTRICT," ... dated March, 2004 (on file in the office of the Board of Selectmen), or as shown in an additional area outlined in blue on a supplemental map entitled "Article 51, 2006 Annual Town Meeting Additions to the Siasconset Sewer District dated as of March 7, 2006, Nantucket, Massachusetts,"...

FINANCE COMMITTEE COMMENT ON ARTICLES 52 - 60: The Finance Committee has voted unanimously not to adopt Articles 52 through 60. Each of these articles is a citizen initiated petition to add specific properties to the Town or Siasconset Sewer District. Each "case" has various "arguments" as to why the addition of the properties covered by each of the articles is equitable to the owner or contributes to the ecology by protecting the watershed, the harbor, or other aspects of the Island. There are arguments against the proposed inclusions as well: decreasing capacity of the wastewater treatment facilities, permitting larger dwellings to be built than could be accommodated by septic system rules, or simply giving a bonus to individual property owners that was never part of the conditions of their ownership of the parcel.

The Finance Committee's motions not to adopt these articles stem from concerns that do not go to the merits or demerits of any individual proposal. To permit individual owners to be added to the Sewer

Districts based on the number of votes they can muster at Town Meeting is the opposite of expansion of the Sewer Districts based on rational planning for the needs and the future of the Island. The Finance Committee believes that any expansion of the Sewer Districts --whether as to individual properties or as to entire areas -- should occur only as a result of those properties or those areas meeting criteria to be developed by the Board of Selectmen acting as the Board of Sewer Commissioners, in conjunction with advice from the Planning Board and DPW.

ARTICLE 52

(Town Sewer District Map Change)

To see if the Town will vote to amend the Town of Nantucket Sewer District Map by including the following parcel(s) of land within the Sewer District:

96 Cliff Road - Tax Map 40, Parcel 015

(Richard J. Glidden, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 53

(Town Sewer District Map Change)

To see if the Town will vote to amend the Town of Nantucket Sewer District Map by including the following parcel of land within the Sewer district: 13 Somerset Road - Tax Map 56, Parcel 96.3

(Clifford Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 54

(Town Sewer District Map Change)

To see if the Town will vote to amend the Town of Nantucket Sewer District Map by including the following parcel of land within the Sewer District 3 Burnt Swamp Lane, Tax Map 56, Parcel 218.

(Daniel O'Keefe, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 55

(Town Sewer District Map Change)

To see if the Town will vote to amend the Town of Nantucket Sewer District Map by including the following parcels of land within the Sewer District, all located on Tax Map 41 as parcels 94, 95, 96, 97, 98, 213 and 214.

(Michael Angelastro, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 56

(Town Sewer District Map Change)

To see if the Town will vote to amend the Town of Nantucket Sewer District Map by including the following parcels within the Sewer district: (a) 12 Monomoy Creek Road - Tax Map 54, Parcel 54.1; (b) 10 Monomoy Creek Road - Tax Map 54, Parcel 54.2; (c) 8 Monomoy Creek Road - Tax Map 54, Parcel 149; (d) 6 Monomoy Creek Road - Tax Map 54, Parcel 148; (e) 4 Monomoy Creek Road - Tax Map 54, Parcel 147. (See Map)

(M. Lynn Zimmerman, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 57

(Town Sewer District Map Change)

To see if the Town will vote to amend the Town of Nantucket Sewer District Map, as approved at April 2005 Annual Town Meeting, by including the following parcels of land within the Sewer District. These contiguous parcels comprise one building lot of 3.8 acres in the Nantucket Harbor Watershed District, and abut the Creeks and the Harbor. They contain considerable areas of wetlands in their northern and western segments. Parcels are Town of Nantucket Tax Map 54, Parcels 151, 152, and 160 and are known as 21 Berkeley Avenue.

(Edward Sanford, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 58

(Town Sewer District Map Change)

To see if the town will vote to amend the Town of Nantucket Sewer District map by including the following parcels of land within the sewer district.

A.	65 Hummock Pond Road	Map 56 parcel 71
B.	69 Hummock Pond Road	Map 56 parcel 320
C.	71 Hummock Pond Road	Map 56 parcel 320.1
D.	77 Hummock Pond Road	Map 56 parcel 311
E.	79 Hummock Pond Road	Map 56 parcel 122
F.	81 Hummock Pond Road	Map 56 parcel 121
G.	82 Hummock Pond Road	Map 56 parcel 116.1
H.	83 Hummock Pond Road	Map 56 parcel 310.2
I.	84 Hummock Pond Road	Map 56 parcel 116
J.	86 Hummock Pond Road	Map 56 parcel 117
K.	87 Hummock Pond Road	Map 56 parcel 310.1
L.	89 Hummock Pond Road	Map 56 parcel 120
M.	91 Hummock Pond Road	Map 56 parcel 118
N.	95 Hummock Pond Road	Map 56 parcel 309
O.	97 Hummock Pond Road	Map 56 parcel 308
P.	99 Hummock Pond Road	Map 56 parcel 67.3
Q.	101 Hummock Pond Road	Map 56 parcel 67
R.	103 Hummock Pond Road	Map 56 parcel 307
S.	107 Hummock Pond Road	Map 56 parcel 56

(Aveen Irwin, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 59

(Town Sewer District Map Change)

To see if the Town will vote to amend the Town of Nantucket Sewer District Map by including the following parcels of land within the Sewer District:

MAP	PARCEL	STREET ADDRESS
80	297.2	25 South Shore Road
80	297.3	04 South Pasture Lane
80	297.4	06 South Pasture Lane
80	297.5	08 South Pasture Lane
80	297.6	10 South Pasture Lane
80	297.7	12 South Pasture Lane
80	297.8	South Shore Road

(Linda F. Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 60

(Siasconset Sewer District Map Change)

To see if the Town will vote to amend the Siasconset Sewer District under Nantucket Code, §41-3.B, by including in the Siasconset Sewer district and the map referenced therein the land situated at and known as 107 Sankaty Road, shown upon Nantucket Assessor's Map 48 as Parcel 46; the dwelling upon said land being at present connected to and served by the Siasconset sewer system.

(Arthur Reade, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 61

(Bylaw Amendment: Noise)

To see if the Town will vote to make the following changes to Chapter 101 (Noise) of the Code of the Town of Nantucket: (Current language struck out, new language in highlighted text.)

§ 101-1 A "It shall be unlawful for any person or persons, between the hours of 10:00 p.m. and ~~7:00 a.m.~~ **8:00 a.m.**",

§ 101-1 B "It shall be unlawful for any person or persons, between the hours of 10:00 p.m. and ~~7:00 a.m.~~ **8:00 a.m.**",

§ 101-2 C "It shall be unlawful to cause a noise disturbance across a real property line by operating any mechanically powered saw, sander, grinder, drill, lawnmower or garden tool or similar device used outdoors, with the exception of snow blowers, before ~~7:00 a.m.~~ **8:00 a.m.** Monday through Saturday and before 10:00 a.m. Sunday."

§ 101-2 D "It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and ~~7:00 a.m.~~ **8:00 a.m.** in such a manner as to create a noise disturbance across a real property boundary."

§ 101-4 A(1) "For the purpose of this table, "day" shall be defined as ~~7:00 a.m.~~ **8:00 a.m.** to 10:00 p.m., and "night" shall be defined as 10:00 p.m. to ~~7:00 a.m.~~ **8:00 a.m.**"

(Michael Kopko, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 101 (Noise) of the Code of the Town of Nantucket is hereby amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

§ 101-1. Prohibited activities; violations and penalties.

A. It shall be unlawful for any person or persons, between the hours of 10:00 p.m. and ~~7:00~~ **7:30** a.m....

B. It shall be unlawful for any person or persons, between the hours of 10:00 p.m. and ~~7:00~~ **7:30** a.m....

§ 101-2. Noises prohibited; exemptions.

C. **Power tools.** It shall be unlawful to cause a noise disturbance across a real property line by operating any mechanically powered saw, sander, grinder, drill, lawnmower or garden tool or similar device used outdoors, with the exception of snow blowers, before ~~7:00~~ **7:30** a.m. Monday through Saturday and before 10:00 a.m. Sunday....

D. **Radios, television sets, musical instruments and similar devices.** It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and ~~7:00~~ **7:30** a.m. in such a manner as to create a noise disturbance across a real property boundary.

§ 101-4. Noise tables.

A. **Table I: Limiting Noise Level for Use Districts.**

(1) For the purpose of this table, “day” shall be defined as ~~7:00~~ **7:30** a.m. to 10:00 p.m., and “night” shall be defined as 10:00 p.m. to ~~7:00~~ **7:30** a.m.

ARTICLE 62

(Bylaw Amendment: Parking)

To see if the Town will vote to amend Chapter 103 of the code of the Town of Nantucket as follows:

Adding the following new sections:

ARTICLE III

On-Street Parking

§ 103-13 Definitions

“Semi-trailer”, a trailer so designed and used in combination with a tractor that some part of the weight of such trailer and that of its load rests upon and is carried by, the tractor.

“Trailer”, any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle.

“Way”, any public highway, private way laid out under authority of statute, or way dedicated to public use.

§ 103-14 Prohibition

No person shall park or allow a semi-trailer or trailer upon any way as defined herein without approval of the Board of Selectmen.

§ 103-14.1 Exemptions

The Board of Selectmen may designate and limit the term in specific areas on or adjacent to a way where semi-trailers or trailer may be parked.

§ 103-15 Penalty

- A. Any person in violation of §103-14 shall be punished by a fine of one hundred dollars (\$100), each day being considered a separate offense.
- B. Any semi-trailer or trailer parked in violation of §103-14 may be removed in accordance with M.G.L. Chapter 40 Section 22D.
- C. Any police officer of the Town may utilize the noncriminal disposition specified in MGL c.40, § 21D to enforce to provisions of this section.

(Skip Cabot, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 103 (Parking) of the Code of the Town of Nantucket is hereby amended by adding the following new sections:

Adding the following new sections:

ARTICLE III On-Street Parking

§ 103-13. Definitions.

"Semi-trailer", a trailer so designed and used in combination with a tractor that some part of the weight of such trailer and that of its load rests upon and is carried by, the tractor.

"Trailer", any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle.

"Tractor", a motor vehicle with or without a carrying capacity of its own but which is primarily designed and used for drawing another vehicle or for industrial or agricultural purposes.

"Way", any public highway, private way laid out under authority of statute, or way dedicated to public use.

§ 103-14. Prohibition.

No person shall park or shall allow to be parked, a tractor, semi-trailer, or combination thereof or a trailer upon any way as defined herein without approval of the Board of Selectmen.

§ 103-14.1. Exemptions.

The Board of Selectmen may designate and limit the term in specific areas on or adjacent to a way where tractors, semi-trailers or trailers may be parked.

§ 103-15. Penalty.

- A. Any person in violation of §103-14 shall be punished by a fine of one hundred dollars (\$100), each day being considered a separate offense.
- B. Any semi-trailer or trailer parked in violation of §103-14 may be removed in accordance with M.G.L. Chapter 40 Section 22D.

- C. Any police officer of the Town may utilize the noncriminal disposition specified in MGL c.40, § 21D to enforce to provisions of this section.

ARTICLE 63

(Bylaw Amendment: Wharves and Waterways)

To see if the Town will vote to amend the Code of the Town of Nantucket, Chapter 137 (Wharves and Waterways) as follows (*NOTE: new language is shown as highlighted text; language to be deleted is shown by strikeout; these methods used to denote changes are not meant to become part of the final text*):

§ 137-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

IMMEDIATE FAMILY- parents, grandparents, children, sister, brother, and spouse.

MOOR - Any space wherein a vessel is confined by wet slip, float, mooring, rack, sling, haul-out, trailer or other type of docking facility.

§ 137-2. Town wharfs use regulations.

F. Except in an emergency, no boats shall fuel at any of the Town's wharves, floats or piers without the permission of the Harbor Master.

§ 137-3. Additional use regulations.

E. Advertising signs on vessels or wharves will not be permitted at any Town-owned wharf, ramp or pier, except commercial slips.

§ 137-4. Mooring regulations.

A. ~~Any person wishing to moor a boat or vessel in any harbor or waters within the Town of Nantucket.~~ Any vessel habitually moored in Nantucket shall obtain a mooring permit from the Harbormaster. No permit for a mooring, float or raft shall be transferable to another person, except to a person within the immediate family of the permittee upon approval of the Harbormaster.

I. ~~A person who is neither a resident nor a taxpayer of the Town of Nantucket and who did not have permission for a mooring from the Harbor Master on January 1, 1989, shall not be permitted to place and maintain a mooring in any harbor or waters within the Town of Nantucket.~~

§ 137-5. Mooring permits.

D. All dinghies not in use after October 15th on property controlled by the Town, shall be removed to the owner's property.

§ 137-23. Water kiteboarding.

C. Subject to such approvals of the Commonwealth as may be appropriate, the Board of Selectmen shall adopt rules and regulations and reasonable fees for the issuance of such licenses, renewals thereof and operation of licensees and for the regulation of recreational kiteboarding generally to assure the safety and convenience of the public, including but not limited to....[no change to remaining text]

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Chapter 137 (Wharves and Waterways) of the Code of the Town of Nantucket is hereby amended as follows (*NOTE: new language is shown as highlighted*

text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):

§ 137-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

IMMEDIATE FAMILY- parents, grandparents, children, sister, brother, and spouse.

MOOR - Any space wherein a vessel is confined by wet slip, float, mooring, rack, sling, haul-out, trailer or other type of docking facility.

§ 137-2. Town wharf use regulations.

F. Except in an emergency, no boats shall fuel at any of the Town's wharves, floats or piers without the permission of the Harbor Master.

§ 137-3. Additional use regulations.

E. Advertising signs on vessels or wharves will not be permitted at any Town-owned wharf, ramp or pier, except commercial slips.

§ 137-4. Mooring regulations.

A. ~~Any person wishing to moor a boat or vessel in any harbor or waters within the Town of Nantucket~~ Any vessel habitually moored in Nantucket shall obtain a mooring permit from the Harbormaster. No permit for a mooring, float or raft shall be transferable to another person, except to a person within the immediate family of the permittee upon approval of the Harbormaster.

I. ~~A person who is neither a resident nor a taxpayer of the Town of Nantucket and who did not have permission for a mooring from the Harbor Master on January 1, 1989, shall not be permitted to place and maintain a mooring in any harbor or waters within the Town of Nantucket.~~

§ 137-5. Mooring permits.

D. All dinghies not in use between October 15th and April 1st on property controlled by the Town, shall be removed to the owner's property.

§ 137-23. Water kiteboarding.

C. Subject to such approvals of the Commonwealth as may be appropriate, the Board of Selectmen shall adopt rules and regulations and reasonable fees for the issuance of such licenses, renewals thereof and operation of licensees and for the regulation of recreational kiteboarding generally to assure the safety and convenience of the public, including but not limited to....[no change to remaining text]

ARTICLE 64

(Bylaw Amendment: Finances)

To see if the Town will vote to amend the Code of the Town of Nantucket, Chapter 19 (Finances), by adding a new Article XI (Reimbursement for Costs of Municipal Activities other than Environmental Response Actions that Arise from the Actual or Threatened Spill, Release, Discharge or Seepage of Oil, Hazardous Materials or Gasoline):

§19-19.

A. Any person or entity who causes or is legally responsible for a spill, release, discharge or seepage ("Release") or a threat of release of any hazardous material, oil or gasoline on or in any land or waters of Nantucket, or other land or waters in circumstances posing an immediate threat to persons or property within Nantucket, shall be liable to the Town of Nantucket, without regard to fault, for any and all costs incurred by the Town of Nantucket as a result of such Release or threatened Release ("Town Costs") other than costs to assess, contain or remediate the Release or threatened Release ("Response Action Costs").

B. Town Costs shall comprise the costs for Town personnel and their agents, including police and fire personnel, to secure and protect the health, safety and welfare of persons and property, both public and private, and include (1) actual payroll costs for all Town personnel involved in the activities, (2) all costs for disposable materials used in the activities, (3) all costs for repair or replacement of equipment or materials damaged in the activities, (4) all other costs incurred by the Town including personnel, rental of equipment, towing services, and the like, and (5) an administrative fee of ten percent (10%) of the total actual costs incurred by the Town.

C. Response Action Costs, which are excluded from this section 19-19, may be subject to recovery by the Town of Nantucket pursuant to existing Massachusetts and federal statutes, including chapter 21E of the General Laws of the Commonwealth.

D. For purposes of this section 19-19, the terms "hazardous material," "oil," "release," "response action," "causes," and "legally responsible" shall be defined in accordance with chapter 21E of the General Laws of the Commonwealth.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Chapter 19 (Finances) of the Code of the Town of Nantucket is hereby amended by adding the following new section:

Article XI

Reimbursement for Costs of Municipal Activities other than Environmental Response Actions that Arise from the Actual or Threatened Spill, Release, Discharge or Seepage of Oil, Hazardous Materials or Gasoline

§19-19.

A. Any person or entity who causes or is legally responsible for a spill, release, discharge or seepage ("Release") or a threat of release of any hazardous material, oil or gasoline on or in any land or waters of Nantucket, or other land or waters in circumstances posing an immediate threat to persons or property within Nantucket, shall be liable to the Town of Nantucket, without regard to fault, for any and all costs incurred by the Town of Nantucket as a result of such Release or threatened Release ("Town Costs") other than costs to assess, contain or remediate the Release or threatened Release ("Response Action Costs").

B. Town costs shall comprise the costs for Town personnel and their agents, including police and fire personnel, to secure and protect the health, safety and welfare of persons and property, both public and private, and include (1) actual payroll costs for all Town personnel involved in the activities, (2) all costs for disposable materials used in the activities, (3) all costs for repair or replacement of equipment or materials damaged in the activities, (4) all other costs incurred by the Town including personnel, rental of equipment, towing services, and the like, and (5) an administrative fee of ten percent (10%) of the total actual costs incurred by the Town.

C. Response action costs, which are excluded from this section 19-19, may be subject to recovery by the Town of Nantucket pursuant to existing Massachusetts and federal statutes, including chapter 21E of the General Laws of the Commonwealth.

D. For purposes of this section 19-19, the terms “hazardous material,” “oil,” “release,” “response action,” “causes,” and “legally responsible” shall be defined in accordance with chapter 21E of the General Laws of the Commonwealth.

ARTICLE 65

(Bylaw Amendment: False Private Alarms)

To see if the Town will vote to amend the Code of the Town of Nantucket, Chapter 26 (False Private Alarms), Article II (Fire Alarms) by adding the following new text:

§ 26-19. Key Boxes may be Required.

- A. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, the Chief may require the owner, lessee, tenant, or other party in control of said structure or area, by written notification mailed to said party, to install a key box in an accessible location approved by the Fire Chief.
- B. Said key box shall be of a design approved by the Fire Chief and shall contain all keys which the Fire Chief deems necessary to gain the required access to the structure or area. Two keys for said box shall be supplied to the Fire Chief. It shall be the responsibility of the owner, lessee, tenants, or other party in control of a structure or area (1) to assume all costs involved in the installation of said key box and supplying keys to the Fire Chief, (2) to keep said box in good repair and (3) to insure that all keys contained therein are those currently in use in the structure or area.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Chapter 26 (False Private Alarms), Article III (Fire Alarms) of the Code of the Town of Nantucket is hereby amended by adding the following new section:

§ 26-19. Key Boxes may be Required.

- A. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, the Chief may require the owner, lessee, tenant, or other party in control of said structure or area, by written notification mailed to said party, to install a key box in an accessible location approved by the Fire Chief.
- B. Said key box shall be of a design approved by the Fire Chief and shall contain all keys which the Fire Chief deems necessary to gain the required access to the structure or area. Two keys for said box shall be supplied to the Fire Chief. It shall be the responsibility of the owner, lessee, tenants, or other party in control of a structure or area (1) to assume all costs involved in the installation of said key box and supplying keys to the Fire Chief, (2) to keep said box in good repair and (3) to insure that all keys contained therein are those currently in use in the structure or area.

ARTICLE 66

(Bylaw Amendments: Town Collector and Finances)

To see if the Town will vote to amend Chapter 40 (Town Collector) and Chapter 19 (Finances) of the Code of the Town of Nantucket pursuant to the provisions of G.L. c. 60, § 62A to permit the Town Treasurer to enter into agreements with certain owners of properties which have been taken by the Town as a result of the non-payment of real estate taxes, as outlined below and to take any other necessary action thereto (*NOTE: new language is shown as highlighted text; language to be deleted is shown by ~~strikeout~~, these methods to denote changes are not meant to become part of the final text*):

first, add the words "Town Treasurer" to the title of Chapter 40 as follows:

Chapter 40

TOWN COLLECTOR **AND TOWN TREASURER**

second, by amending §40-1:

§40-1. Manner of tax collection.

The Collector is authorized to use all means for collecting taxes that a Town Treasurer may use when appointed Collector, including part payment under MGL c. 60, §22 **and G.L. c. 60, §62A.**

third, add the following new section 40-3 as follows:

TREASURER

§40-3. Redemption of Tax Title Real Estate.

- a. Pursuant to the provisions of G.L. c. 60 § 62A, the Treasurer of the Town of Nantucket ("Town") may enter into a written payment agreement ("Agreement") with any person(s) entitled to redeem ownership of parcels of real estate ("Redeemer") which have been taken by the Town as a result of non-payment of real estate taxes. The Agreement shall be executed by the Town and Redeemer and shall set forth the terms and conditions for payment of the delinquent taxes, interest and any other costs, fees or charges associated with same.
- b. The Redeemer of the following assessment categories of real property shall be eligible to enter into an Agreement provided for in the preceding paragraph:
 - i. Commercial Property;
 - ii. Residential Property;
 - iii. Industrial; and
 - iv. Open Space.
- c. The following conditions must be met prior to the Town and Redeemer entering into an Agreement:
 - i. the Town has not filed a petition to foreclose the rights of redemption with the Land Court and the recording date of the Instrument of Taking recorded in the Nantucket Registry of Deeds or Nantucket Registry District of the Land Court must be no more than ten (10) years from the date of the proposed Agreement;
 - ii. all real estate taxes due for the current fiscal year assessed against the parcel must be paid to date;
 - iii. the Redeemer, at the time of execution of said Agreement, must pay to the Town a minimum of twenty five percent (25%) of the amount due to redeem the parcel.

The Redeemer must then agree to pay the remaining balance due to the Town in equal monthly installments over a period not to exceed five years.

- d. After the Town has received seventy-five percent (75%) of the total amount due, the Redeemer shall be entitled to a credit equal to twenty-five percent (25%) of the accrued interest on the tax title account. This credit shall be applied against the final installment payment(s) due under the Agreement.
- e. During the term of the Agreement, the Treasurer may not bring an action to foreclose the tax title of the Redeemer unless payments are not made in accordance with the schedule provided in the Agreement or timely payments are not made on other amounts due to the municipality that constitute a lien on the same parcel.

fourth, by amending the provisions of Chapter 19 (Finances), Article X (Licenses and Permits, Collections), §19-16 (Payment agreements) of the Code of the Town of Nantucket as follows:

§19-16. Payment agreements.

Any party so owing such tax, fee, assessment, betterment or other municipal charge shall be given an opportunity to enter into a payment agreement, **including a redemption of tax title pursuant to § 40-3** thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Chapters 19 (Finances) and 40 (Town Collector) of the Code of the Town of Nantucket are hereby amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text)*:

first, add the words "Town Treasurer" to the title of Chapter 40 as follows:

Chapter 40
TOWN COLLECTOR AND TOWN TREASURER

second, by amending §40-1:

§40-1. Manner of tax collection.

The Collector is authorized to use all means for collecting taxes that a Town Treasurer may use when appointed Collector, including part payment under MGL c. 60, §22 and G.L. c. 60, §62A.

third, add the following new section 40-3 as follows:

TREASURER

§40-3. Redemption of Tax Title Real Estate.

- a. Pursuant to the provisions of G.L. c. 60 § 62A, the Treasurer of the Town of Nantucket ("Town") may enter into a written payment agreement ("Agreement") with any person(s) entitled to redeem ownership of parcels of real estate ("Redeemer") which have been taken by the Town as a result of non-payment of real estate taxes. The Agreement shall be executed by the Town and Redeemer and shall set forth the terms and conditions for payment of the delinquent taxes, interest and any other costs, fees or charges associated with same.

- b. The Redeemer of the following assessment categories of real property shall be eligible to enter into an Agreement provided for in the preceding paragraph:
 - i. Commercial Property;
 - ii. Residential Property;
 - v. Industrial; and
 - vi. Open Space.
- c. The following conditions must be met prior to the Town and Redeemer entering into an Agreement:
 - i. the Town has not filed a petition to foreclose the rights of redemption with the Land Court and the recording date of the Instrument of Taking recorded in the Nantucket Registry of Deeds or Nantucket Registry District of the Land Court must be no more than ten (10) years from the date of the proposed Agreement;
 - ii. all real estate taxes due for the current fiscal year assessed against the parcel must be paid to date;
 - iii. the Redeemer, at the time of execution of said Agreement, must pay to the Town a minimum of twenty five percent (25%) of the amount due to redeem the parcel. The Redeemer must then agree to pay the remaining balance due to the Town in equal monthly installments over a period not to exceed five years.
- d. After the Town has received seventy-five percent (75%) of the total amount due, the Redeemer shall be entitled to a credit equal to twenty-five percent (25%) of the accrued interest on the tax title account. This credit shall be applied against the final installment payment(s) due under the Agreement.
- e. During the term of the Agreement, the Treasurer may not bring an action to foreclose the tax title of the Redeemer unless payments are not made in accordance with the schedule provided in the Agreement or timely payments are not made on other amounts due to the municipality that constitute a lien on the same parcel.

fourth, by amending the provisions of Chapter 19 (Finances), Article X (Licenses and Permits, Collections), §19-16 (Payment agreements) of the Code of the Town of Nantucket as follows:

§19-16. Payment agreements.

Any party so owing such tax, fee, assessment, betterment or other municipal charge shall be given an opportunity to enter into a payment agreement, including a redemption of tax title pursuant to §40-3 thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

ARTICLE 67

(Home Rule Petition: 1975 Roads)

To see if the Town will vote to petition the General Court of the Commonwealth to seek enactment of a special law to amend Chapter 434 of the Acts of 1975, such legislation to read substantially as set forth below, and further to authorize the General Court, with the approval of the Board of Selectman to make constructive changes to the proposed language thereof; in order to secure enactment, as follows:

AN ACT TO AMEND CHAPTER 434 OF THE ACTS OF 1975
REGARDING ROADS ON NANTUCKET ISLAND

Section 1: The existing text of Chapter 434 of the Acts of 1975 allowing for the validity of the laying out, alteration, relocation, discontinuance, or acceptance of certain ways despite any failure to comply with final recording requirements as provided in Chapter 82 of the General Laws, is hereby amended inserting the words "Section One" in front thereof;

Section 2: There is hereby added a new section 2 to Chapter 434 of the Acts of 1975 that reads as follows:

Section 2: The ways listed in Section 1 are to be deemed to include the entire width of the layout as approved by the Board of Selectman and voted by the Town on Nantucket in Article 17 ("Article") of the Annual Town Meeting in the year 1975 and any reference therein to "Paved Sections" for those ways listed below is now established to be only for the purpose of identifying the length of those ways, as each existed in 1975, which were to have the benefit of Chapter 434 to correct any failure to comply with final recording requirements. In the event the Paved Sections of those ways differed in width from the layout plans of record at that time, the Article and Chapter 434, are deemed not to alter any street layout as to width. If a Paved Section, as each existed in 1975, was not paved to the full width of the corresponding dimensional plan of record laying out said street, the Article and Chapter 434 are deemed not to exclude the unpaved shoulders of that way, if such were included in the corresponding layout plan. The term "Paved Sections" in the Article was used only to identify the length of the street subject to Chapter 434.

"Paved Sections" of the following ways: Bartlett Road; Beach Walk; Cambridge Street (North of Madaket Road); Cato Lane; Coffin Way; Cornish Street; Eel Point Road; Henry Street; James Street; Johnson Street; Low Beach Road; Macy Lane; Somerset Road; Vestal Street Extension; Washington Avenue; Washington Street Extension; and, Wesco Place (plus 40).

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court be requested to introduce legislation seeking a special act set forth below and that the General Court with the approval of the Board of Selectmen be hereby authorized to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT TO AMEND CHAPTER 434 OF THE ACTS OF 1975
REGARDING ROADS ON NANTUCKET ISLAND

Section 1: The existing text of Chapter 434 of the Acts of 1975 allowing for the validity of the laying out, alteration, relocation, discontinuance, or acceptance of certain ways despite any failure to comply with final recording requirements as provided in Chapter 82 of the General Laws, is hereby amended inserting the words "Section One" in front thereof;

Section 2: There is hereby added a new section 2 to Chapter 434 of the Acts of 1975 that reads as follows:

Section 2: The ways listed in Section 1 are to be deemed to include the entire width of the layout as approved by the Board of Selectman and voted by the Town on Nantucket in Article 17 ("Article") of the Annual Town Meeting in the year 1975 and any reference therein to "Paved Sections" for those ways listed below is now established to be only for the purpose of identifying the length of those ways, as each existed in 1975, which were to have the benefit of Chapter 434 to correct any failure to comply with final recording requirements. In the event the Paved Sections of those ways differed in width from the layout plans of record at that time, the Article and Chapter 434, are deemed not to alter any street layout as to width. If a Paved Section, as

each existed in 1975, was not paved to the full width of the corresponding dimensional plan of record laying out said street, the Article and Chapter 434 are deemed not to exclude the unpaved shoulders of that way, if such were included in the corresponding layout plan. The term "Paved Sections" in the Article was used only to identify the length of the street subject to Chapter 434.

"Paved Sections" of the following ways: Bartlett Road; Beach Walk; Cambridge Street (North of Madaket Road); Cato Lane; Coffin Way; Cornish Street; Eel Point Road; Henry Street; James Street; Johnson Street; Low Beach Road; Macy Lane; Somerset Road; Vestal Street Extension; Washington Avenue; Washington Street Extension; and, Wesco Place (plus 40).

Section 3: This act to take effect upon passage.

ARTICLE 68

(Home Rule Petition: Land Bank)

To see if the Town will vote to request its representatives in the General Court to introduce legislation to amend the Nantucket Land Bank Act, as set forth below, and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of the proposed legislation in order to secure passage, such legislation to read substantially as follows:

ACT TO AMEND THE NANTUCKET ISLANDS LAND BANK ACT TO INCREASE THE FIRST TIME HOME BUYER EXEMPTION

Section 1. Section 12(m) of the Nantucket Islands Land Bank Act (chapter 669 of the Acts of 1983, as amended by chapter 407 of the acts of 1984, chapter 666 of the Acts of 1987, chapter 392 of the Acts of 1991, chapter 309 of the Acts of 1994, chapter 309 of the Acts of 1995, chapter 370 of the Acts of 2002, to delete the following text: "Two Hundred Thousand Dollars (\$200,000)" and substitute therefor the following: "an amount determined on or before January 1 of each year by the land bank commission after due analysis of the range of real estate prices and in no event less than Four Hundred Thousand Dollars (\$400,000)".

Section 2. This act shall take effect upon its passage.

And, to take any other action as may be related thereto.

(Board of Selectmen)

***COMMENT:** The above home rule petition was approved as Article 58 of the 2005 Annual Town Meeting. Home rule petitions currently pending before the legislature which have not been acted upon by December 31, 2007, will expire. In order to ensure that the petition is renewed, a confirmatory town meeting vote is necessary.*

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court be requested to introduce legislation seeking a special act set forth below and that the General Court with the approval of the Board of Selectmen be hereby authorized to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

ACT TO AMEND THE NANTUCKET ISLANDS LAND BANK ACT TO INCREASE THE FIRST TIME HOME BUYER EXEMPTION

Section 1. Section 12(m) of the Nantucket Islands Land Bank Act (chapter 669 of the Acts of 1983, as amended by chapter 407 of the acts of 1984, chapter 666 of the Acts of 1987, chapter 392 of the Acts of 1991, chapter 309 of the Acts of 1994, chapter 309 of the Acts of 1995, chapter 370 of the Acts of 2002, to delete the following text: "Two Hundred Thousand Dollars (\$200,000)" and substitute therefor

the following: "an amount determined on or before January 1 of each year by the land bank commission after due analysis of the range of real estate prices and in no event less than Four Hundred Thousand Dollars (\$400,000)".

Section 2. This act shall take effect upon its passage.

ARTICLE 69

(Home Rule Petition: Community Housing Bank)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act set forth below and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT IMPOSING A SURCHARGE ON NEW RESIDENTIAL CONSTRUCTION FOR THE BENEFIT OF COMMUNITY HOUSING

Section 1. Purpose

The Town of Nantucket is in need of additional financial resources to create, make available and maintain housing that is affordable to people who earn less than 150% of the Nantucket County median household income; to maintain Nantucket's diversity and unique sense of community; to encourage moderate-income families to continue to reside on Nantucket; and to generate a supply of housing that will remain affordable.

Section 2. Definitions

"Addition" shall mean an increase in building area, aggregate floor area, height or number of stories of a structure.

"Alteration" shall mean a change or modification of a building or a structure or the service equipment thereof that affects safety or health and is not classified as an ordinary repair.

"Community Housing" shall be defined herein as that housing intended primarily to be occupied by those earning up to 150% of median family income for Nantucket, as determined by the U. S. Department of Housing and Urban Development.

"Dwelling Unit" shall be defined herein as a room or enclosed floor space used, or to be used, as a habitable unit for one (1) family or household, with facilities for sleeping, cooking, and sanitation.

"Employer Dormitory" shall be defined herein as a dwelling on a lot occupied by a legally permitted or nonconforming commercial or nonprofit recreational use, or on an adjoining lot under the same ownership, all located outside the of the NEHOD and DOD Overlay Districts in which sleeping accommodations for five (5) or more persons are provided by one or more employers, with occupancy limited solely to their employees.

"New Construction Surcharge" shall mean the Surcharge set forth in section 3.

"Total Floor Area" shall be the floor area within the perimeter of the outside walls of the building under consideration, without deductions for hallways, stairs, closets, thickness of walls, columns or other features. It does not include unoccupied accessory areas such as unfinished basements, attics or lofts and does not include porches, decks, unenclosed breezeways and widows walks.

Section 3. New Construction Surcharge In addition to any local fee that may be imposed by the Town of Nantucket pursuant to chapter 40, section 22F of the general laws or any other applicable statute, the Town of Nantucket is hereby authorized to impose, collect and disburse as set forth below a fee in the

nature of a surcharge on new residential construction (hereinafter referred to as the "New Construction Surcharge") as follows:

(a) The New Construction Surcharge shall be imposed on those persons who apply for a residential building permit from the Town of Nantucket, and is to be paid upon issuance of a building permit by the Building Commissioner of the Town of Nantucket. The amount of the surcharge shall be computed at the rate of \$8.00 per square foot of Total Floor Area of new construction space in excess of 3,000 square feet for each dwelling unit.

(b) The New Construction Surcharge will be collected at the same time as, and in addition to, the Town's local Building permit fees, by the Town's Building Commissioner to be turned over to the Treasurer of the Town.

(c) Additions/Alterations: No new construction surcharge shall be imposed or paid upon the issuance of building permits for Additions or Alterations, unless the Application for Building Permit for the Addition or Alteration is filed within three (3) years of issuance of a building permit or, where because of age of the structure, no building permit record can be found, then within three years of the dates established by other equivalent evidence of the date of construction for the Dwelling Unit upon which the Addition or Alteration is proposed. In this instance, square footage will be calculated by combining the Total Floor Area of the original Dwelling Unit and the Total Floor Area to be created by the new Addition or Alteration.

Section 4. Exemptions

Employer Dormitories are not subject to the New Construction Surcharge.

Section 5. The Town of Nantucket, acting by and through its Town Meeting, shall appropriate the receipts of this New Construction Surcharge only for the purposes of purchasing, acquiring, constructing, operating, maintaining, making ordinary repairs or otherwise making extraordinary repairs to Community Housing within the Town of Nantucket, including engineering, architectural, planning, designing and permitting costs associated therewith, as presented by the Board of Selectmen.

Section 6. The imposition and collection of the New Construction Surcharge described above shall expire on December 31, 2015.

Section 7. This act shall take effect if the Town of Nantucket votes to accept its terms at the next regularly scheduled municipal election for any fiscal year commencing on or after July 1, 2004. The question appearing on the official ballot shall be in the following form:

"Shall the act allowing the Town of Nantucket to impose a community housing surcharge to mitigate the effects of large-scale residential real estate development be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

(Board of Selectmen)

COMMENT: *The above home rule petition was approved as Article 78 of the 2003 Annual Town Meeting and Article 61 of the 2005 Annual Town Meeting. Home rule petitions currently pending before the legislature, which have not been acted upon by December 31, 2007, will expire. In order to ensure that the petition is renewed, a confirmatory town meeting vote is necessary.*

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court be requested to introduce legislation seeking a special act set forth below and that the General Court with the approval of the Board of Selectmen be hereby authorized to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT IMPOSING A SURCHARGE ON NEW RESIDENTIAL CONSTRUCTION FOR THE BENEFIT OF COMMUNITY HOUSING

Section 1. Purpose

The Town of Nantucket is in need of additional financial resources to create, make available and maintain housing that is affordable to people who earn less than 150% of the Nantucket County median household income; to maintain Nantucket's diversity and unique sense of community; to encourage moderate-income families to continue to reside on Nantucket; and to generate a supply of housing that will remain affordable.

Section 2. Definitions

"Addition" shall mean an increase in building area, aggregate floor area, height or number of stories of a structure.

"Alteration" shall mean a change or modification of a building or a structure or the service equipment thereof that affects safety or health and is not classified as an ordinary repair.

"Community Housing" shall be defined herein as that housing intended primarily to be occupied by those earning up to 150% of median family income for Nantucket, as determined by the U. S. Department of Housing and Urban Development.

"Dwelling Unit" shall be defined herein as a room or enclosed floor space used, or to be used, as a habitable unit for one (1) family or household, with facilities for sleeping, cooking, and sanitation.

"Employer Dormitory" shall be defined herein as a dwelling on a lot occupied by a legally permitted or nonconforming commercial or nonprofit recreational use, or on an adjoining lot under the same ownership, all located outside the of the NEHOD and DOD Overlay Districts in which sleeping accommodations for five (5) or more persons are provided by one or more employers, with occupancy limited solely to their employees.

"New Construction Surcharge" shall mean the Surcharge set forth in section 3.

"Total Floor Area" shall be the floor area within the perimeter of the outside walls of the building under consideration, without deductions for hallways, stairs, closets, thickness of walls, columns or other features. It does not include unoccupied accessory areas such as unfinished basements, attics or lofts and does not include porches, decks, unenclosed breezeways and widows walks.

Section 3. New Construction Surcharge In addition to any local fee that may be imposed by the Town of Nantucket pursuant to chapter 40, section 22F of the general laws or any other applicable statute, the Town of Nantucket is hereby authorized to impose, collect and disburse as set forth below a fee in the nature of a surcharge on new residential construction (hereinafter referred to as the "New Construction Surcharge") as follows:

(a) The New Construction Surcharge shall be imposed on those persons who apply for a residential building permit from the Town of Nantucket, and is to be paid upon issuance of a building permit by the Building Commissioner of the Town of Nantucket. The amount of the surcharge shall be computed at the rate of \$8.00 per square foot of Total Floor Area of new construction space in excess of 3,000 square feet for each dwelling unit.

(b) The New Construction Surcharge will be collected at the same time as, and in addition to, the Town's local Building permit fees, by the Town's Building Commissioner to be turned over to the Treasurer of the Town.

(c) Additions/Alterations: No new construction surcharge shall be imposed or paid upon the issuance of building permits for Additions or Alterations, unless the Application for Building Permit for the Addition or Alteration is filed within three (3) years of issuance of a building permit or, where because of age of the structure, no building permit record can be found, then within three years of the dates established by other equivalent evidence of the date of construction for the Dwelling Unit upon which the Addition or Alteration is proposed. In this instance, square footage will be calculated by combining the Total Floor Area of the original Dwelling Unit and the Total Floor Area to be created by the new Addition or Alteration.

Section 4. Exemptions

Employer Dormitories are not subject to the New Construction Surcharge.

Section 5. The Town of Nantucket, acting by and through its Town Meeting, shall appropriate the receipts of this New Construction Surcharge only for the purposes of purchasing, acquiring, constructing, operating, maintaining, making ordinary repairs or otherwise making extraordinary repairs to Community Housing within the Town of Nantucket, including engineering, architectural, planning, designing and permitting costs associated therewith, as presented by the Board of Selectmen.

Section 6. The imposition and collection of the New Construction Surcharge described above shall expire on December 31, 2015.

Section 7. This act shall take effect if the Town of Nantucket votes to accept its terms at the next regularly scheduled municipal election for any fiscal year commencing on or after July 1, 2004. The question appearing on the official ballot shall be in the following form:

“Shall the act allowing the Town of Nantucket to impose a community housing surcharge to mitigate the effects of large-scale residential real estate development be accepted?”

If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

ARTICLE 70

(Home Rule Petition: Nantucket Housing Authority)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act as set forth below and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT RELATIVE TO THE NANTUCKET HOUSING AUTHORITY

Section 1. The housing authority of the town of Nantucket is hereby authorized to sell and transfer certain land in said town described in section 2 of this act, for the development and use in perpetuity as housing for low or moderate income households for such consideration as such authority may deem reasonable. The authority shall retain the proceeds from any such sale and transfer for use in administration, monitoring and enforcement of affordable housing restrictions on such property. Restrictions on such sold and transferred property shall be recorded in the registry of deeds, and, notwithstanding the provisions of section 34 of chapter 121B of the general laws the authority need not pay such proceeds to the Commonwealth and the approval of the department of housing and community development shall not be required. For purposes of this paragraph, the housing authority or its designee, shall be in compliance with this statute if at least 25% of the units to be developed on said land are for use in perpetuity by households earning below 80% of the median income for Nantucket County, as defined periodically by the U.S. Department of Housing and Urban Development (HUD), and the remaining 75% of the units will be developed to be affordable to households earning 80% to 150% of the median income for Nantucket, as defined by HUD.

Section 2. The property to which section 1 applies is shown in the aggregate as lots 3, 9 - 17 on a plan of land entitled "Plan of Land in Nantucket Island, Mass." Dated March 14, 1994, drawn by Charles W. Hart & Associates, Inc., recorded in the Nantucket registry of deeds in plan file 44-Y.

Section 3. This act shall take effect upon its passage.

(Board of Selectmen for Nantucket Housing Authority)

***COMMENT:** The above home rule petition was approved as Article 83 of the 1999 Annual Town Meeting, Article 77 of the 2000 Annual Town Meeting, Article 53 of the 2001 Annual Town Meeting and Article 63 of the 2005 Annual Town Meeting. Home rule petitions currently pending before the legislature, which have not been acted upon by December 31, 2007, will expire. In order to ensure that the petition is renewed, a confirmatory town meeting vote is necessary.*

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court be requested to introduce legislation seeking a special act set forth below and that the General Court with the approval of the Board of Selectmen be hereby authorized to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT RELATIVE TO THE NANTUCKET HOUSING AUTHORITY

Section 1. The housing authority of the town of Nantucket is hereby authorized to sell and transfer certain land in said town described in section 2 of this act, for the development and use in perpetuity as housing for low or moderate income households for such consideration as such authority may deem reasonable. The authority shall retain the proceeds from any such sale and transfer for use in administration, monitoring and enforcement of affordable housing restrictions on such property. Restrictions on such sold and transferred property shall be recorded in the registry of deeds, and, notwithstanding the provisions of section 34 of chapter 121B of the general laws the authority need not pay such proceeds to the Commonwealth and the approval of the department of housing and community development shall not be required. For purposes of this paragraph, the housing authority or its designee, shall be in compliance with this statute if at least 25% of the units to be developed on said land are for use in perpetuity by households earning below 80% of the median income for Nantucket County, as defined periodically by the U.S. Department of Housing and Urban Development (HUD), and the remaining 75% of the units will be developed to be affordable to households earning 80% to 150% of the median income for Nantucket, as defined by HUD.

Section 2. The property to which section 1 applies is shown in the aggregate as lots 3, 9 - 17 on a plan of land entitled "Plan of Land in Nantucket Island, Mass." Dated March 14, 1994, drawn by Charles W. Hart & Associates, Inc., recorded in the Nantucket registry of deeds in plan file 44-Y.

Section 3. This act shall take effect upon its passage.

ARTICLE 71

(Home Rule Petition: Transfer Fee for Wastewater Improvements)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act as set forth below and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT TO IMPOSE A TRANSFER FEE ON REAL PROPERTY ON NANTUCKET ISLAND FOR
WASTEWATER IMPROVEMENTS

Section 1. In addition to any other taxes, charges, fees charges or assessments that be assessed or otherwise be due, and as a separate companion to the transfer fee imposed by the Nantucket Land Bank Act set forth in chapter 669 of the Acts of 1983 as amended by chapter 407 of the Acts of 1984, chapter 202 of the Acts of 1985, chapter 666 of the Acts of 1987, chapter 392 of the Acts of 1991, chapter 309 of the Acts of 1994, chapter 370 of the Acts of 2002, there is hereby imposed a fee equal to one half of one percent (0.5 percent) upon the transfer of any real property interest in any real property situated in Nantucket county. Said fee shall be the liability of the purchaser of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. The fee shall be paid to the Nantucket Board of Selectmen, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Nantucket Board of Selectmen or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket county, and the assistant recorder for the registry district of Nantucket county, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Nantucket Board of Selectmen or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Board of Selectmen may require payment of the fee referred to in real property interests so conveyed as determined by the Board of Selectmen.

Section 2. To the extent not otherwise subject to payment of a fee pursuant to section one, and notwithstanding the exemptions set forth in paragraphs (i) and (j) of section 7 of this Act, unless otherwise exempted pursuant to section 7 excluding said paragraphs (i) and (j), there shall be paid a fee equal to one half of one per cent (0.5 per cent) of the fair market value of real property interests held in the name of or otherwise owned by a corporation upon the transfer by the controlling stockholders of their interests of the stock of such corporation. This fee is due on or before the time of transfer of the stock. To the extent not otherwise subject to payment of a fee pursuant to section one of this Act and notwithstanding the exemptions referred to in said paragraphs (i) and (j), unless otherwise exempted pursuant to said section 7 excluding said paragraphs (i) and (j), there shall be paid a fee equal to one half of one per cent (0.5 percent) of the fair market value of real property interests held in the name of a partnership or limited liability company or otherwise owned by a partnership or limited liability company upon the change in composition of such partnership or limited liability company either in one transaction or a series of related transactions which change in composition results in a transfer of capital interests in excess of fifty per cent of the total capital interests within such partnerships or limited liability companies or results in a transfer of the ownership rights to profit interests within such partnership or limited liability company in excess of fifty per cent of the total profit interests within such partnerships or limited liability companies.

Section 3. The Nantucket Board of Selectmen may adopt rules and regulations regarding the procedures for collecting and administering the transfer fees imposed by section 1 or 2 of this Act and regarding the coordination of the collection of the transfer fee established by this Act with the collection of the transfer fee established by the Nantucket Land Bank Act set forth in chapter 669 of the Acts of 1983 as amended by chapter 407 of the Acts of 1984, chapter 202 of the Acts of 1985, chapter 666 of the Acts of 1987, chapter 392 of the Acts of 1991, chapter 309 of the Acts of 1994, chapter 370 of the Acts of 2002.

Section 4. For purposes of this Act, the words and phrases set forth in this section shall have the

following meanings:

"Institutional lender", any bank defined in section one of chapter one hundred and sixty-seven of the General Laws, any insurance company defined in section one of chapter one hundred and seventy-five of the General Laws, and any mortgage company or investment company that made more than twenty mortgages in the calendar year preceding the year of the relevant mortgage for the purposes of subsection (-m-) of section 7 of this Act, and any national bank, federal savings and loan association, federal savings bank, bank holding company, or state or federally chartered credit union.

"Purchaser", the transferee, grantee or recipient of any real property interests.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property; but shall not include any interest which is limited to any or all of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance, and any estate for years having a term of less than thirty years; any reversionary right, condition, or right of entry for condition broken; the interest of a mortgage or other secured party in any mortgage or security agreement; and the interest of a stockholder in a corporation, or a partner in a partnership or limited liability company, except as provided in section 2.

"Seller", the transferor, grantor or immediate former owner of any real property interests.

"Time of transfer", of any real property interest shall mean, the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

Section 5. The fee paid pursuant to section 1 or 2 of this Act shall be deposited in the Nantucket Wastewater System Capital Improvement Fund established as a special sinking fund in the treasury of the town and shall be drawn upon by appropriations voted by majority vote at any annual or special town meeting of the town for the purpose of implementing recommendations of the comprehensive wastewater management plan filed by the town with the Commonwealth's Department of Environmental Protection in March 2004, as the same may be hereafter amended from time to time, including but not limited to the purposes, as outlined in said plan, of increasing of capacity of Nantucket Wastewater Treatment facilities to treat wastewater, the upgrading of the method of treatment, the funding of engineering, construction and rehabilitation of sewerage-treatment works, pumping stations, and facilities serving the town of Nantucket, and for the purposes of doing all things necessary to correct, remedy, repair, prevent and prohibit any and all forms of infiltration or inflow from groundwater and other sources of leakage into pipes, facilities and system.

Section 6. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section 1 or 2 of this Act, the purchaser or his legal representative may return said

certificate to the Nantucket Board of Selectmen or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the purchaser or his legal representative.

Section 7. The following transfers of real property interests shall be exempt from the fee established by sections 1 or 2. Except as otherwise provided, the purchaser shall have the burden of proof that any transfer is exempt hereunder.

(-a-) Transfers to the government of the United States, the commonwealth, and any of their instrumentalities, agencies or subdivisions.

(-b-) Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.

(-c-) Transfers made as gifts without consideration. In any proceeds to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interests transferred was made as a gift without consideration to the extent of the difference between the fair market value of the real property interests transferred and the amount of consideration claimed by the purchaser to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interests transferred, at the time of transfer.

(-d-) Transfer to the trustees of a trust in exchange for a beneficial interest received by the seller in such trust; distributions by the trustees of a trust to the beneficiaries of such trust.

(-e-) Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest.

(-f-) Transfers made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.

(-g-) Transfers to any charitable organization as defined in clause Third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interests so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.

(-h-) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

(-i-) Transfers made to a corporation or partnership or limited liability company at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one or seven hundred and twenty-one of the Internal Revenue Code of 1986, as amended; provided, however, that such transfer shall be exempt only in the event that (i) with respect to a corporation, the transferor retains a controlling interest in such corporation after such formation or (ii), with respect to a partnership or limited liability company, the transferor retains after such formation rights to capital interests in excess of fifty per cent of the capital interests within such partnership or limited liability company or retains rights to profit interests within such partnership or limited liability company in excess of fifty per cent of the total profit interests within such partnership.

(-j-) Transfers made to a stockholder of a corporation in liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee had before the transfer a controlling interest in the corporation, or (ii) with

respect to a partnership or limited liability company, the transferee had before the transfer rights to capital interests in excess of 50 per cent of the total capital interests within the partnership or limited liability company or had rights to profit interests within the partnership or limited liability company in excess of 50 per cent of the total profit interests within the partnership or limited liability company.

(-k-) Transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law.

(-l-) Transfers of property consisting in part of real property interests situated in Nantucket county and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Nantucket county; provided that the purchaser shall furnish the Nantucket Board of Selectmen with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

(-m-) The first two hundred thousand dollars of the purchase price of a transfer made to a purchaser who, or whose spouse at the time of transfer, has at no time prior to said transfer owned or possessed any real property interest as defined in section three either within or without Nantucket county; provided that the purchaser shall make the real property interest which is the subject of the transfer the purchaser's actual domicile within two years of the time of transfer; provided further that in the event of a subsequent transfer within five years of the transfer exempted from the fee under this subsection, other than the transfer of a mortgage to an institutional lender, the fee exempted shall become due, together with the accumulated interest and penalties, and in addition to any fee otherwise due as a result of the subsequent transfer. The purchaser shall certify as to the foregoing, and the Nantucket Board of Selectmen shall attach to the deed a certificate which shall recite the fact that there is running with the land a lien equal to the amount of the fee exempted plus accumulated interest and penalties until such time as all conditions of this subsection have been met.

Section 8. Schedules of beneficiaries of trusts, list of stockholders of corporations and lists of partnerships filed with the Board of Selectmen for the purpose of determining or fixing the amount of the fee imposed under section 1 or 2 of this Act, or for the purpose of determining the existence of any exemption under section 7 shall not be public records for the purposes of section ten of chapter sixty-six of the General Laws.

Section 9. A purchaser who fails to pay all or any portion of the fee established by section 1 or 2 of this Act on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

(-a-) Interest: The purchaser shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to fourteen per cent per annum.

(-b-) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this Act, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Nantucket Board of Selectmen for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five per cent of the unpaid fee due at the time of transfer. Whenever the Nantucket Board of Selectmen determines that all or a portion of a fee due under this Act was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the Nantucket Board of Selectmen shall be paid by the purchaser in addition to said fee.

Section 10.

(-a-) The Nantucket Board of Selectmen shall notify a purchaser by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Nantucket Board of Selectmen shall grant a hearing on the matter of the imposition of said fee, or of

any penalty or interest assessed, if a petition requesting such hearing is received by the Nantucket Board of Selectmen within thirty days after the mailing of said notice. The Nantucket Board of Selectmen shall notify the purchaser in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Nantucket Board of Selectmen concerning a deficiency, penalty or interest may, after payment of said deficiency, penalty or interest as the case may be, appeal to the district or superior court within three months after the mailing of notification of the determination of the Nantucket Board of Selectmen. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Nantucket Board of Selectmen. All decisions of said courts shall be appealable. Every notice to be given under this section by the Nantucket Board of Selectmen shall be effective if mailed by certified or registered mail to the purchaser at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket county, such notice shall be effective when so mailed to the purchaser in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket county.

(-b-) All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the purchaser and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Nantucket Board of Selectmen; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

(-c-) If any purchaser liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the Town of Nantucket upon all property and rights to property, whether real or personal, belonging to such purchaser. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice thereof has been filed by the Nantucket Board of Selectmen (-a-) with respect to real property or fixtures, in the registry of deeds for Nantucket county, or (-b-) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty-two C of the General Laws.

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Nantucket Board of Selectmen, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth to enforce the lien of the town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

The Nantucket Board of Selectmen may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

Section 11. This act, being necessary for the welfare of the town and county of Nantucket and their inhabitants, shall be liberally construed to accomplish the purposes hereof.

Section 12. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps

are required by statute.

Section 13. This act shall become effective upon its acceptance by vote of a town by ballot at any annual or special election held within the town of Nantucket.

(Board of Selectmen)

COMMENT: *The above home rule petition was approved as Article 2 of the April 12, 2005 Special Town Meeting and modified as shown by the Board of Selectmen on September 28, 2005. Home rule petitions currently pending before the legislature, which have not been acted upon by December 31, 2007, will expire. In order to ensure that the petition is renewed, a confirmatory town meeting vote is necessary.*

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE COMMENT: This article has become more complex since the concept was initially proposed and voted upon at the April 12, 2005 Special Town Meeting. The Committee recommends no action at this time so that additional study can occur before the article comes back before a town meeting.

ARTICLE 72

(Municipal Electric Aggregate)

To see if the town will vote to authorize the Nantucket Energy Committee, with the approval of the Board of Selectmen, to initiate the process of forming a Nantucket Municipal Electric Aggregate, provided however, such formation does not involve the Town of Nantucket in any action inconsistent with any existing energy supply agreements, which formation shall be governed pursuant to G. L. 164, s. 134, which provides in relevant part as follows:

"section 134: (a) Any municipality or any group of municipalities acting together within the commonwealth is hereby authorized to aggregate the electrical load of interested electricity consumers within its boundariesSuch municipality or group of municipalities may group retail electricity customers to solicit bids, broker, and contract for electric power and energy services for such customers. Such municipality or group of municipalities may enter into agreements for services to facilitate the sale and purchase of electric energy and other related services. Such service agreements may be entered into by a single city, town, county, or by a group of cities, towns, or counties. ... A town may initiate a process to aggregate electrical load upon authorization by a majority vote of town meeting. ... Upon an affirmative vote to initiate said process, a municipality or group of municipalities establishing load aggregation pursuant to this section shall, in consultation with the division of energy resources, pursuant to section 6 of chapter 25A, develop a plan, for review by its citizens, detailing the process and consequences of aggregation....Said plan shall be filed with the department, for its final review and approval,....Participation by any retail customer in a municipal or group aggregation program shall be voluntary...."

(Board of Selectmen for Nantucket Energy Committee)

FINANCE COMMITTEE MOTION: Moved that the Nantucket Energy Committee, with the approval of the Board of Selectmen, is hereby authorized to initiate the process of forming a Nantucket Municipal Electric Aggregate, provided however, such process shall not involve the Town of Nantucket in any action inconsistent with any existing energy supply agreements, and provided further that such process shall be governed pursuant to G. L. 164, s. 134.

ARTICLE 73

(Request for Authorization to Enter Into Public Health Mutual Aid Agreement)

To see if the Town will, in accordance with G.L. c. 40, section 4A, authorize the Town Administrator with the approval of the Board of Selectmen to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Intermunicipal Mutual Aid Agreement to be entered into

between the Town and various governmental units for a term of not more than twenty-five (25) years, or to take any other action as may be related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that in accordance with G.L. c. 40, section 4A, the Town Administrator with the approval of the Board of Selectmen is hereby authorized to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Intermunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units for a term of not more than twenty-five (25) years.

ARTICLE 74

(Authorization to Relocate Police Department Out of Town)

To see if the Town will vote to authorize the relocation of all or part of the Nantucket Police Department from its present downtown location in the core district to a new location outside the downtown core district location, as per Chapter 46-4 of the Code of the Town of Nantucket, which reads as follows "...no offices presently within the downtown core district shall be relocated to any site outside the downtown core district without a vote of the Town Meeting."; or, take any other action as may be related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is authorized to relocate all or part of the Nantucket Police Department from its present downtown location in the core district to a new location outside the downtown core district location, as per Chapter 46-4 of the Code of the Town of Nantucket.

ARTICLE 75

(Establishment of Cemetery Commission Workgroup)

To see if the Town will vote to request the Board of Selectmen, acting as the Cemetery Commissioners, to appoint a cemetery commission workgroup to work toward full documentation of all interments that have taken place in Town burial places and on Nantucket Island, to assist the Town Clerk in acquiring historic information regarding the subjects of such interments, to seek grants and sources of funds toward proper historic preservation of Town burial places, and any other such action determined to be of benefit to the Town & County of Nantucket. Said workgroup to consist of one or more reps from the Nantucket Historical Commission, Nantucket Interfaith Council, Nantucket Historical Association, Board of Selectmen/County Commissioners, Town Clerk's Office and 2 at-large members.

(Board of Selectmen for Town Clerk)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to appoint a cemetery commission workgroup to work toward full documentation of all interments that have taken place in Town burial places and on Nantucket Island, to assist the Town Clerk in acquiring historic information regarding the subjects of such interments, to seek grants and sources of funds toward proper historic preservation of Town burial places, and any other such action determined to be of benefit to the Town and County of Nantucket. Said workgroup to consist of one or more reps from the Nantucket Historical Commission, Nantucket Interfaith Council, Nantucket Historical Association, Board of Selectmen/County Commissioners, Town Clerk's Office and 2 at-large members.

ARTICLE 76

(Real Estate Conveyance: Orange Street)

Offer the Town Garage on Orange Street for sale before it proceeds with a plan to change the purpose of the structure in order to construct apartments for rental to municipal employees.

(Judith Lee, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: Retention of the property will allow the Town to create a Town-owned two-unit housing source out of the structure as an adaptive reuse utilizing substantial state funding for all project costs.

ARTICLE 77

(Real Estate Acquisition: 96 Washington Street)

To see if the Town will vote to acquire by purchase, gift or eminent domain, the following described parcel of land, the buildings, fixtures and equipment therein, for water dependent uses including but not limited to; the operation of a full service on water boat yard for the purposes of boat repair, pump out, emergency boat haul out, accidents and emergency repair; for marine service industries and establishments, also for propagation of shellfish stock, loading/unloading of commercial/recreational fishing vessels, public access for fishing, pedestrian access to waterfront, public boat ramp and a public dingy dock; provided however, that just compensation is paid to the owners of said land in a sum not to exceed \$10,500,000 (ten million five hundred thousand dollars) or the adjudged fair market damages value in the event of proceeding by eminent domain, whichever is less; and, further to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum to carry out the foregoing; and, further to authorize the Board of Selectmen to take any and all actions necessary of appropriate in connection therewith.

Parcel: Assessor's Map # 55.1.4, Lot # 8 having a street location of 96 Washington Street.

(Charles Sayle III, et al)

FINANCE COMMITTEE MOTION: Motion will be provided at the Town Meeting.

ARTICLE 78

(Real Estate Acquisition: 96 Washington Street)

To see if the Town will vote to acquire by purchase, gift or eminent domain, the following described parcel of land, the buildings, fixtures and equipment therein, for water dependent uses including but not limited to; the operation of a full service on water boat yard for the purposes of boat repair, pump out, emergency boat haul out, accidents and emergency repair; for marine service industries and establishments, also for propagation of shellfish stock, loading/unloading of commercial/recreational fishing vessels, public access for fishing, pedestrian access to waterfront, public boat ramp and a public dingy dock; provided however, that just compensation is paid to the owners of said land in a sum not to exceed \$5,000,000 (five million dollars) or the adjudged fair market damages value in the event of proceeding by eminent domain, whichever is less; and, further to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum to carry out the foregoing; and, further to authorize the Board of Selectmen to take any and all actions necessary of appropriate in connection therewith.

Parcel: A portion of Assessor's Map # 55.1.4, Lot # 8 having a street location of 96 Washington Street, as depicted on ANR Subdivision Plan of Land dated October 17, 2005, Planning Bd. File No. 6888, endorsed 10-24-05, Being a Subdivision of Lot 13, shown on Land Court Plan 8254-E, which includes as depicted thereon; all of Lot 25 and the portions of Lots #21, 22, 23, 24 East of the 1927 Mean High Water Mark, also depicted thereon, the acquisition does not include the portions of Lots #21, 22, 23, 24 west of the 1927 Mean High Water Mark.

(Charles Sayle III, et al)

FINANCE COMMITTEE MOTION: Motion will be provided at the Town Meeting.

ARTICLE 79

(Real Estate Conveyance: Miller's Way)

To see if the Town will vote to grant owners of property abutting an 80 foot wide strip of Land (known as Miller's Way) owned by the Town of Nantucket, being shown as Lot B2 on Land Court Plan No. 16514-B filed with Certificate of Title No. 3279 at the Nantucket Registry District for the Land Court, an access easement over and under Miller's Way, for the right to pass over Miller's Way with pedestrian and vehicular traffic and for such other uses as roads and ways may be used for in the Town of Nantucket.

(Arthur Reade, et al)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen be hereby authorized to grant owners of property abutting an 80 foot wide strip of Land (known as Miller Lane) owned by the Town of Nantucket, being shown as Lot B2 on Land Court Plan No. 16514-B filed with Certificate of Title No. 3279 at the Nantucket Registry District for the Land Court, an access easement over and under Miller Lane, for the right to pass over Miller Lane with pedestrian and vehicular traffic and for such other uses as roads and ways may be used for in the Town of Nantucket.

ARTICLE 80

(Real Estate Disposition: Long-Term Lease Authorization)

To see if the town will vote to authorize the BOS to extend to forty years the existing lease for property located at 10 & 12 Clifford Ave. (parcel # 719-75), with Family & Children's Service's of Nantucket County Inc. (F&CS). Said lease was entered into on December 21, 1993 between the town and F&CS, by vote of town meeting April 1993, for the purpose of providing residential housing (Sherman House) for 2 individuals with chronic mental illness. The lease was amended to add a second dwelling (Tryworks) for residential services for persons in recovery on May 22, 2002, with a maximum capacity of three bedrooms. The current lease expires December 21, 2014.

In order to secure a low-interest loan from the U.S. Department of Agriculture (USDA) a 40 year long-term lease is required by this federal agency, to fund this project. The lease includes language that insures that this housing remains in the affordable housing stock under the Community Preservation Act (CPA) as implemented by Nantucket's Community Preservation Committee (CPC).

(Cheryl Bartlett, et al)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen be hereby authorized to enter into a lease extension agreement with respect to the existing lease for property located at 10 and 12 Clifford Ave. (Nantucket Tax Assessor's Map 79, Parcel #75) with Family and Children's Services of Nantucket County Inc. for a term of forty years, subject to compliance with any applicable requirements, if any, of G.L. Chapter 30B regarding procurements, and further that the Board of Selectmen are hereby authorized to issue to a third party to be agreed to by the Board of Selectmen, if necessary for any applicable funding requirements, an appropriate affordable housing deed restriction on the property.

ARTICLE 81

(Real Estate: Long Term Lease Authorization)

To see if the Town will vote to authorize the Board of Selectmen to enter into a long term lease (beyond five (5) years) for the use of the Town's antenna tower located at 188 Madaket Road and for the maintenance of the necessary transmission equipment at that tower base and, to take any other action as may be relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to enter into a long term lease for twenty-five (25) years or less for the use of the Town's antenna tower located at 188 Madaket Road and for the maintenance of the necessary transmission equipment at the tower base.

ARTICLE 82

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40, section 5B of the General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2006 tax levy.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Seven Hundred Thousand Dollars (\$700,000) be raised and appropriated from the Fiscal Year 2007 tax levy and other general revenues of the Town for the purposes of the Stabilization Fund in accordance with Chapter 40, section 5B of the General Laws.

ARTICLE 83

(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the ensuing Fiscal Year and to authorize the Assessors to use in fixing the tax rate, pass any vote, or take any action relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Motion to be provided at the Town Meeting.